

The
Civil Government
OF
Minnesota
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YOUNG

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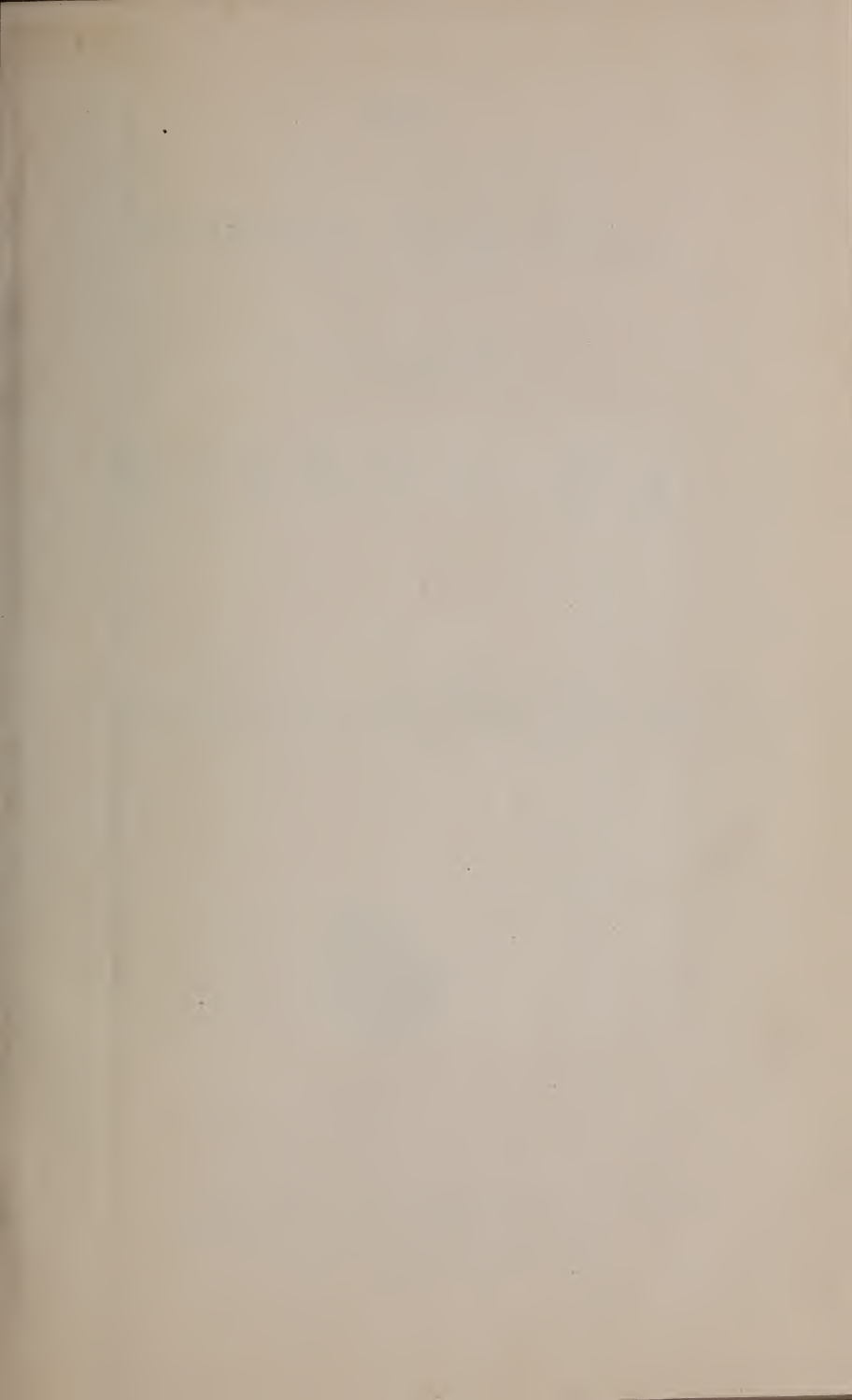


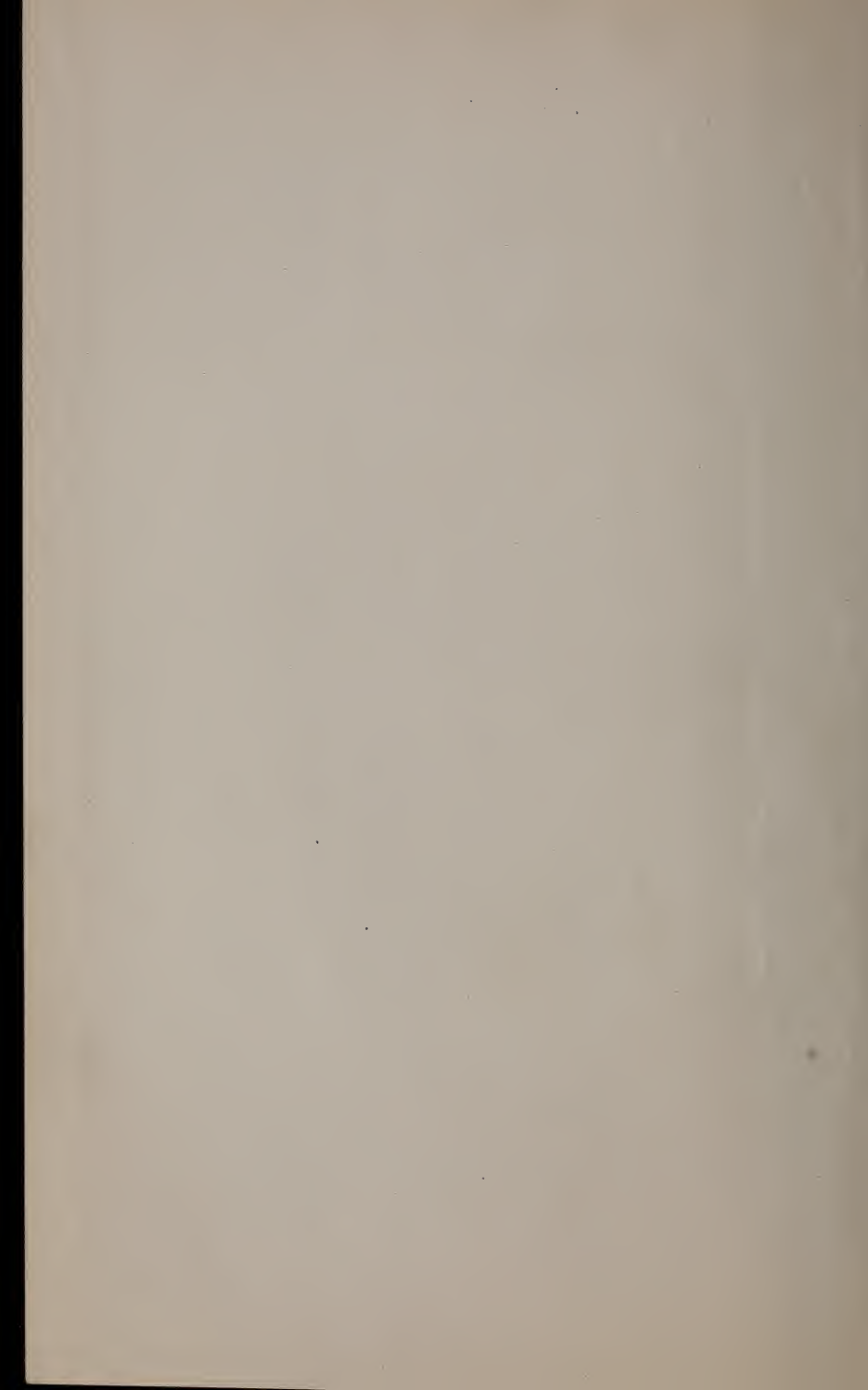
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THE
GOVERNMENT OF THE PEOPLE
OF THE STATE OF
MINNESOTA

BY
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PREFACE.

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In the preparation of this book, the aim has been, not merely to present a hand-book of condensed facts, but through interest and suggestion, to stimulate both teacher and pupils to make individual investigations. In accordance with this view, the school library should be provided with *Revised Laws, 1905*, the current number of the *Legislative Manual*, and at least one of the various histories of Minnesota.

The teacher and pupils should make a collection of primary, convention and election calls, official ballots, blanks used by various officers, and the official reports of state and local officers. In the study of government nothing can take place of the constitution, hence, numerous references have been given to this instrument. The pupils should be led to discover, as far as possible, the principles of government by their own thought and labor. To use the "Studies" profitably, will require much conscientious preparation. The teacher should encourage intelligent observation of all those things with which the citizen has to do in every-day life. That knowledge of government is valueless which does not inspire the pupil and reader to the performance of civic duties; which does not lead them to realize that intelligent obedience to legally constituted authority is the fundamental basis of patriotism.

Criticisms, suggestions and questions that may occur to those who use this book will be received in the professional spirit.

The author desires to express his obligations to General James H. Baker, Mr. Samuel B. Wilson, County Attorney for Blue Earth County; Senator Adolph O. Eberhart, Mr. Clayton I. Kennedy, Deputy County Auditor for Blue Earth County, and to his colleagues, President Charles H. Cooper, Miss Carolyn Robbins, and Miss Alice V. Robbins.

J. S. Y.

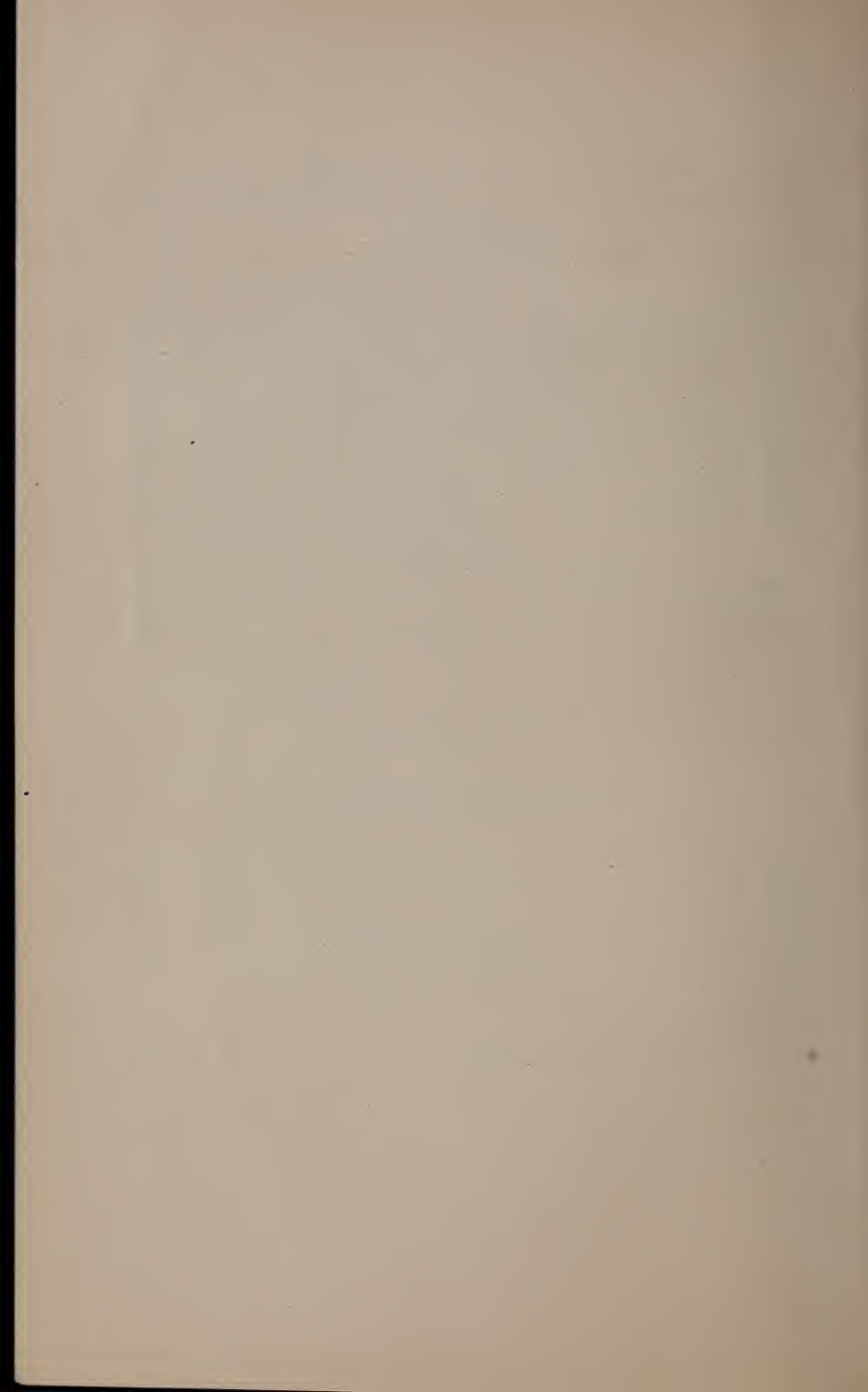
*Mankato State Normal School,
Mankato, Minnesota.*

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THE
CIVIL GOVERNMENT
OF
MINNESOTA.

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CHAPTER 1.

INTRODUCTION.

1. "A State is a political community of free citizens occupying a territory of defined boundaries, organized under a government sanctioned and limited by a written constitution, and established by the consent of the people. Each state or commonwealth maintains a republican form of government which is guaranteed by the United States."

In an analysis of the above definition the following points are prominent:

- (1) The Land,
- (2) The People,
- (3) The Laws,
- (4) The Government.

The civil government of Minnesota, or of any state, must consider the people an organized unit, having a designated abode and having officers chosen to enact and administer laws according to the will of the people. The objects of civil government are (1) to secure justice and (2) to advance the interests of the common weal.

2. **The Land.**— In this age, wandering tribes, held together by a community of interests only, do not consti-

tute a state. Since the introduction of agriculture the people have become more and more attached to some particular locality. A fixed abode has fostered the home and family sentiment. The land, then, as the theatre of the people's activities, is one of the permanent elements of the state. The name Minnesota designates not only the political organization of free citizens, but also the land comprised within certain specified limits.¹

The character of the land — its fertility, resources, location and extent — determines the occupations of the people. The occupations of the people, together with their former training, determine the form of government for the state.

A state with fertile soil and favorable climate, extensive forests of timber, and vast stores of minerals, requires a form of government and special laws that will regulate agriculture, lumbering, and mining. The special laws of a state containing a navigable river will probably pertain to commerce.

The chief resources of Minnesota are (1) a fertile soil and (2) a variety of minerals. These resources indicate the occupations of the people, and the occupations in turn indicate the special character of the laws of the state.

3. The People.— The habits and customs of the people, their former political training and education, modified by the physical environment, indicate the peculiar form of laws which a free state will possess. Many states contributed to the pioneer population of Minnesota. The middle and northern states east of the Mississippi furnished a large number, hence the political ideas of the people from those states have been re-enacted in this state.

Even after the government has been organized the subsequent laws at any given time will depend on the train-

¹ See *Constitution, Art. II., Sect. 1.*

ing, temper and needs of the people who constitute the citizenship of the state. The laws of Minnesota differ from those of Massachusetts; those of California, from those of Iowa. They differ because the people have different needs, and have different ideas concerning laws.

It is necessary to study the history of the people as a basis for any work on civil government.

4. The Laws.—The laws of Minnesota are either enacted directly by the people or indirectly by the representatives of the people. The people enact the organic or fundamental law of the state. This law is called the constitution. It describes the framework of the government, the powers and duties of officers and the rights of the people. The constitution can be changed only by the will of the people; no officer can change it.

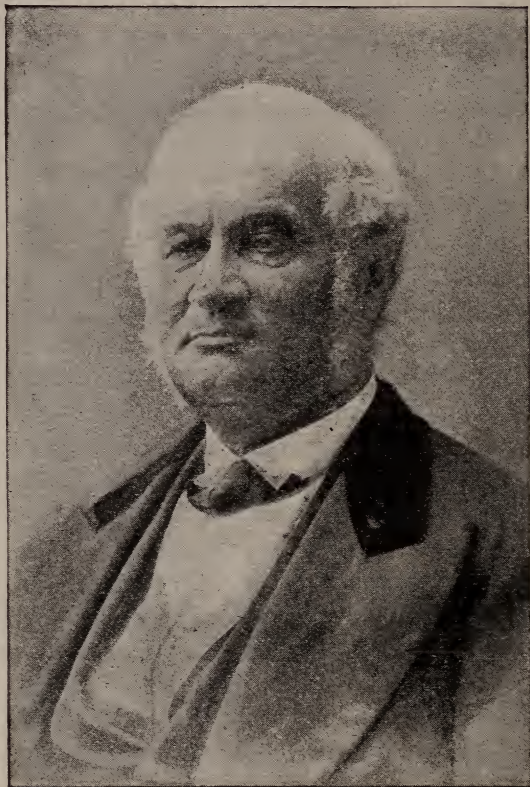
The constitution provides for its own amendment by the people, that it may be adequate for the constantly widening demands of society.

Throughout the constitution such expressions as, “unless otherwise provided by law” and “as shall be provided by law” occur frequently. In this way authority is given to the legislature to enact laws for the people. These are called statutory laws. They must not conflict with the organic law enacted directly by the people. Statutory law, especially that enacted by the first legislature, is very important. Many of these laws provide for the regulation of mining, lumbering, agriculture, and stock-raising, for, next to the freedom of the people, these are the subjects of greatest importance.

The laws of the state are the constitutional law, the statutory laws, the interpretation of the courts, and that which cannot be expressed in written form — the character of the people. It should be understood that back of the laws, to give them authority, and back of the government to make it efficient, is the will of the people.

5. The Government.—By means of the ballot the peo-

ple elect representatives or officers. Theoretically, officers are only individuals in the state; practically, however, while invested by the people with civil authority they constitute the government. The government is concerned



Alexander Ramsey,
First Governor of Minnesota Territory.

with enacting, administering, and interpreting laws. While acting as the government, officers are held strictly responsible for their official acts. They may be impeached and tried for malfeasance in office.

6. The constitution and the laws of Minnesota must not conflict with the constitution and the laws of the United States; but the government of the state is supreme within its sphere. Questions of national policy often overshadow local questions, but home government in the school district, in the town, in the county and in the state has more to do than national government with matters relating to the home, the family, and the daily life of the citizen.¹ Through a thorough understanding of local affairs the citizen readily comprehends the needs of the national government. Active participation in the government of small local units should be the watchword of every citizen. It is only in this way that this will be "a government of the people, by the people, and for the people."

¹ "It will not be denied that the state government touches the citizen and his interests twenty times, where the national government touches him once."—JAMES A. GARFIELD.

"An American may, through a long life, never be reminded of the federal government, except when he votes at presidential or congressional elections, lodges a complaint against the post-office, and opens his trunk for a custom-house officer on the pier at New York when he returns from a tour in Europe. His direct taxes are paid to officials acting under state laws. The state, or a local authority constituted by the state statutes, registers his birth, appoints his guardian, pays for his schooling, gives him a share in the estate of his father deceased, marries him, divorces him, entertains civil action against him, declares him a bankrupt, hangs him for murder. The police that guard his house, the local boards which look after the poor, control highways, impose water rates, manage schools—all these derive their legal powers from the state alone."—BRYCE'S *American Commonwealth*.

CHAPTER II.

HISTORICAL SKETCH OF MINNESOTA.

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7. Minnesota ("sky-tinted water") is situated in the center of North America; latitude 43 degrees 30 minutes and 49 degrees 24 minutes north; longitude 89 degrees 29 minutes and 97 degrees 15 minutes west.¹ The state extending 400 miles from north to south and 354 miles from east to west contains 84,287 square miles of territory of about 53,943,379 acres, and includes the source of three great river systems, those flowing northward into Hudson Bay, eastward into the Atlantic Ocean, and southward into the Gulf of Mexico. In area Minnesota ranks as the ninth state.

The territory included in this vast area was acquired by the United States in two tracts: the territory east of the Mississippi River was ceded by Great Britain in 1783; the territory west of the River was purchased from France in 1803.²

EXPLORATION AND SETTLEMENT.

8. **The French.**—The French were the first Europeans to appear in the territory of Minnesota. In 1534 James Cartier, a Frenchman, discovered the St. Lawrence River and explored it as far as Quebec and the next year reached

¹ See Constitution of Minnesota, Art. II, Sect. 1.

² See Fiske's *Critical Period* for a history of the western land claims.

Montreal. After these explorations the French claimed all the territory drained by the St. Lawrence. Nearly a century later the King of France granted the St. Lawrence country to a company whose leader was Champlain, the founder of Quebec. Champlain's encounter with the Iroquois Indians on the south and the English claims to the Hudson Bay Country on the north, confined the French explorations within somewhat narrow limits.

Champlain explored the Ottawa River and the Georgian Bay to Lake Huron in 1613-15. In 1641 Jogues and Roymbault, the Jesuits, reached Sault Ste. Marie where they heard of the powerful Dakotas and the Mississippi River. Eighteen years later Groselliers and Radisson entered the present State of Minnesota and spent some time in the "forty villages of the Dakotas" near Mille Lacs. They were undoubtedly the first white men to see Minnesota. On their return to France they gave the world the first account of the land of the Dakotas.

In 1661 Rene Menard descending the Wisconsin River reached the Mississippi and lost his life in missionary work among the Indians. Two years later Father Claude Allouëz explored the shores of Lake Superior and established the mission of the Holy Spirit at La Pointe in Wisconsin. Sieur Duluth entered Minnesota in 1679, and on July 2, near Mille Lacs, reported that "he planted his Majesty's arms where a Frenchman never had been." Robert La Salle in a full rigged vessel, named the Griffin, set sail on Lake Erie to explore the west in 1679. After many hardships the expedition, having taken to canoes, reached Lake Peoria near the Illinois River and named the place Crevecoeur (broken heart). At this point La Salle decided to divide the party. He was to explore the Mississippi to its mouth which was reached in 1682. Father Hennepin was to explore the upper Mississippi thus completing the French claim to the Mississippi valley. Hennepin, a native of Holland, after many

adventures, if his story be true, explored the River and discovered the Falls of St. Anthony. He then returned to Europe where he died. Le Sueur in the autumn of 1700 sailed up the Minnesota River¹ to the mouth of the Blue Earth near the present site of Mankato. Here he established a post and returned with four thousand pounds of "blue earth" which was assayed at Paris for copper. The earliest French explorers simply skirted the edges of the state; but Duluth, Father Hennepin, and Le Sueur pushed into the interior of the territory.

9. The English.—The English entered the New World by the Atlantic plain south of the St. Lawrence. It took something over a century to somewhat compactly settle westward to the mountains; but by the middle of the eighteenth century the English were crossing the mountains and contesting with the French for the supremacy of the Ohio valley on the basis of the "sea to sea clauses" of their early charters. The French and Indian War routed the French. They were compelled to retire from the New World having lost nearly all of their colonial empire in the treaty of Paris, 1763. By this treaty, England fell heir to all the French possessions in the New World east of the Mississippi except four small islands. Spain received the remainder of the French claims which included the territory west of the Mississippi.

England did not remain in undisturbed possession of her newly won lands. Just twenty years later she ceded the territory east of the Mississippi, south of the Great Lakes and north of the Floridas to her thirteen revolted colonies. England did not thoroughly occupy her new possessions in the northwest because of the continued unfriendliness of both the French and the Indians.

¹ The French explorers named the river the St. Pierre which the English changed to St. Peter. By act of congress this name was changed to the Minnesota in 1852.

The only English exploration worth noting in this short sketch is that of Jonathan Carver, who left Boston under the partial authority of England in 1766, to explore the northwest. He visited the St. Anthony Falls country and ascended the St. Peter or Minnesota River to the mouth of the Cottonwood River. The account of Carver's trip was published at Dublin in 1779. In his book is given some account of the Indians and the flora and fauna of this state.¹

10. The Americans.—The territory east of the Mississippi came into the possession of the United States in 1783; that west of the River in 1803. The French placed obstacles in the way of English occupation of the northwest after the treaty of 1763. The English did the same with the Americans after 1783. The Americans had a threefold object in sending out future expeditions: (1) to check the English; (2) to restrain the Indians; (3) to acquaint themselves with this almost unknown land. The first effort in this direction was a small military expedition sent by the government under the direction of Zebulon M. Pike in 1805. Through his effort the military reservation at the mouth of the Minnesota River was obtained from the Indians. He went as far north as Leech Lake. There was a cessation of these expeditions for a time on account of the war of 1812; but in 1817 Major Stephen H. Long of the corps of Engineers made a trip from St. Louis to St. Anthony Falls. Two years later Colonel Leavenworth established Cold Water Cantonment at Mendota. Fort St. Anthony was built by Colonel Josiah Snelling in 1820. The name was changed to Ft. Snelling in honor of its builder in 1824 at the

¹ A cave within the limits of the city of St. Paul is named for Carver. In later years Carver's heirs claimed large tracts of land in the west on a basis of a so-called treaty made with the Indians during this expedition. These claims were not allowed.

suggestion of General Winfield Scott. Gen. Lewis Cass, then governor of Michigan territory, visited eastern Minnesota in 1819. He entered the state at Duluth, explored the lake which now bears his name, and proceeded to the mouth of the Minnesota where he urged peace upon the assembled Indians. The government seeking more knowledge of this western country organized another expedition under Major Stephen H. Long in 1823. He went almost entirely around the state by way of the Minnesota River, Big Stone Lake, Red River, Lake of the Woods,



Fort Snelling

and Rainy Lake to Lake Superior. The best scientific results were yielded by the expeditions of Schoolcraft, 1832; George Catlin and G. W. Featherstonehaugh, 1835; Jean Nicollet, 1836; and David D. Owen, 1847.

11. Settlements.—Trappers, hunters, scouts and missionaries are the forerunners of the builders of forts; the builders of forts and the defenders of the frontier blaze the way for a subsequent civilization.

The first French explorers of Minnesota were missionaries. These men were zealous for converting the Indians, softening and refining the rough natures of the hardy traders and pioneers. The map of Minnesota is

plentifully sprinkled with the word *Saint* which testifies to the Catholic enthusiasm of such persons as Menard, Allouëz and Father Hennepin.

It was not until the nineteenth century that the Protestants succeeded in establishing missions. Rev. W. T. Boutwell went to Leech Lake in 1833 where he established a mission. In 1834 two brothers, Rev. Samuel W. Pond and Rev. Gideon H. Pond, began their ministrations near Lake Calhoun. The next year Rev. J. D. Stevens and wife located a mission at Lake Harriet. Both these missions were within the present city of Minneapolis. In 1843 the Rev. S. R. Riggs established a mission at *Traverse des Sioux* near the present city of St. Peter.

The fur trade furnished one of the motives for the exploration and occupation of the west. The French held a monopoly of this trade for many years with headquarters at Montreal. Those licensed to carry on this trade hired boatmen to push up the streams to the most remote Indian villages. These boatmen were called *Coueurs des bois*. At the close of the French and Indian war this trade fell into the hands of the English. The trade was handled almost exclusively by the Hudson Bay Company until 1783, when a powerful rival was organized — the Northwest Company. In 1816 congress passed a law excluding foreigners from the Indian trade. In 1809 Lord Selkirk was granted, by the Hudson Bay Company, the privilege of making a settlement at Pembina in the Red River valley. This action was resented by the United States as an infringement of its sovereignty and the result was the establishment of Ft. Snelling. In 1837 small settlements appeared in the St. Croix valley. The first log house was built on the present site of St. Paul, 1838. The settlement at Stillwater was made in 1843 and at St. Anthony in 1847. Two years later Minnesota was organized as a territory with a population of 4,940.

THE GOVERNMENT OF MINNESOTA BEFORE 1858.

12. Before 1849.—All the territory included within the present limits of Minnesota was nominally under the jurisdiction of France until 1763. That part of the state east of the Mississippi was under the control of England from 1763 to 1783; that west of the River was under the jurisdiction of Spain from 1763 to 1803; but there were no permanent settlements during this period, therefore the governmental institutions of the state are entirely American.

The part east of the Mississippi was at different times included in the territories; of the Northwest, (1787); Indiana, (1800); Michigan, (1805); Illinois, (1809); Michigan again, (1819); Wisconsin, (1836) and Minnesota, (1849). The part west of the River belonged successively to the province of Louisiana, (1803); Louisiana District, (1804); Louisiana Territory, (1805); Missouri, (1812); Michigan, (1819); Wisconsin, (1836); Iowa, (1838); and Minnesota, (1849).

In spite of the fact that Minnesota was under so many different jurisdictions there was no provision made for local officials until Ft. Snelling was established. In 1819 Minnesota was attached to Michigan and the territory between the St. Croix and the Mississippi was organized as Crawford county. A sheriff and judicial officers were provided for; but white inhabitants could not be found to fill the offices. In 1836 Minnesota was attached to Wisconsin, and Crawford county was changed to St. Croix county by the legislature in 1840; but complete reorganization did not take place until 1847. Stillwater became the county seat and in June 1847 Judge Dunn held a term of the United States district court, the first national court held within the limits of Minnesota. In 1838 the part of Minnesota west of the Mississippi was

attached to Iowa; but Iowa and Wisconsin were admitted into the Union in 1846 and 1848 respectively. By the admission of these states with their present boundaries congress left Minnesota with no provision for government. Most of the settlers lived between the St. Croix and the Mississippi. They held a public meeting at Stillwater August 26, 1848, to determine whether they were still under the laws of Wisconsin territory. The former secretary of the territory of Wisconsin sent a letter advising that those parts of Wisconsin territory that had not been included in the new state of Wisconsin still constituted Wisconsin territory. Mr. John Catlin the former secretary of Wisconsin moved his residence from Madison to Stillwater and as acting governor of the surviving territory issued a proclamation October 9, calling a special election to fill the vacancy in the office of delegate to congress. The election was held October 30, 1848, and resulted in the choice of H. H. Sibley who proceeded at once to Washington where he was, by courtesy, allowed to occupy a seat on the floor of the House of Representatives. Acting on the suggestion of Mr. Sibley, Senator Stephen A. Douglass prepared a bill providing for the organization of Minnesota territory. Many unsuccessful efforts were made to entangle the bill in the great slavery controversy; but the act passed March 3, 1849, and Minnesota territory was organized with the Missouri River as its western boundary.

13. Minnesota as a Territory.—The organic act¹ creating the territory of Minnesota provided for a governor,² a secretary, a chief-justice, two associate justices, a district attorney, and a marshal, all to be appointed by the

¹ The organic act should be carefully studied. See Legislative Manual, 1905, p. 13.

² The first governor of the territory was Alexander Ramsey of Pennsylvania. June 1, 1849, he issued a proclamation declaring the new government duly organized.

President of the United States for the term of four years and paid out of the treasury of the United States.

The governor was commander-in-chief of the militia. He would execute the laws; grant pardons for offenses against the laws of the territory; reprieves for offenses against those of the United States with the final decision in the hands of the President; and issue commissions to all persons appointed under the laws of the territory. In addition to this he acted as Indian agent of the central government for which he received an additional salary. The secretary was required to record the acts of the executive; preserve all laws made by the legislature; send copies of the executives proceedings and legislative enactments to the President and congress; and act as governor of the territory in case necessity should require it. The legislative power was vested in the governor and a legislative assembly. This body was divided into two houses — a Council of nine members, to serve for two years and a House of Representatives of eighteen members, to serve for one year. The judicial power was vested in four grades of courts: justice courts, probate courts, district courts, and one supreme court.¹ There was a clause in the Organic Act providing for a delegate to congress.² St. Paul³ was made the temporary capital;

¹ The supreme court was organized at St. Paul with Aaron Goodrich as chief justice and Daniel Cooper and Bradley B. Meeker as associates. The governor divided the territory into three judicial districts with a justice of the supreme court assigned to each. In the month of August, 1849, a term of the district court was held at Stillwater, St. Anthony and Mendota.

² August 1, 1849, an election by ballot was ordered for members of the legislative assembly; also for a delegate to congress. At this election H. H. Sibley was elected delegate without opposition, 682 votes being cast. The legislature met September 3, 1849, and enacted a civil and criminal code.

³ There was a sharp struggle over the permanent location of

liberal provision was made for public buildings and for the establishment of the public schools. The inhabitants were guaranteed all the privileges that they possessed as inhabitants of Wisconsin territory. The people felt secure as they were now under the strong arm of the central government.

The government for the territory being established, the next step was to secure the Indian title to the land. In June 1850, preliminary steps were taken in a great council held at Ft. Snelling. But the year 1851 is memorable for the making of treaties by which the United States came into possession of the lands of Minnesota. Gov. Ramsey, the Indian agent, and Luke Lea, the United States Commissioner of Indian Affairs, made three treaties as follows: at *Traverse des Sioux*, July 23; at Mendota, August 5, and at Pembina. The last treaty was not ratified until May 5, 1864. These treaties opened Minnesota to settlement. People came in such numbers that the census of 1857 gave the territory a population of 150,037. Minnesota now sought admission into the Union.¹

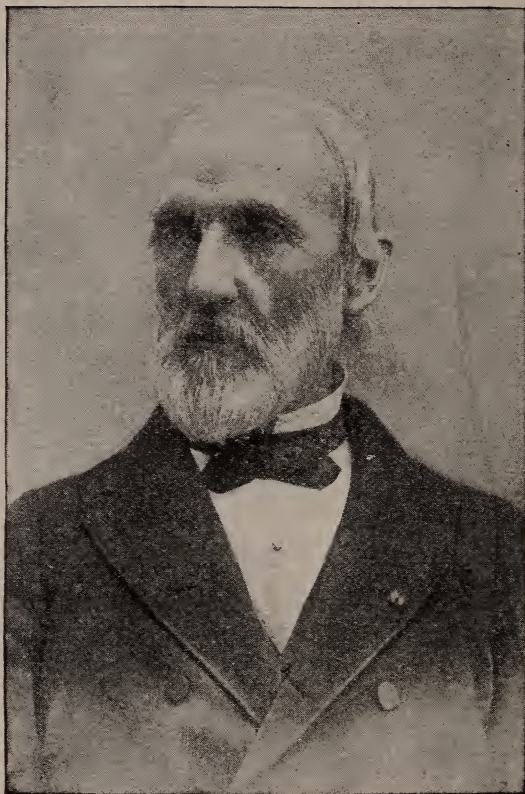
MINNESOTA AS A STATE.

14. Organization of the State.—The admission of new states into the Union is provided for in the constitution of the United States; but the conditions and mode of admission are left to be prescribed by congress.

the territorial institutions. In 1851, by a compromise, the capital was located at St. Paul; the penitentiary at Stillwater; and the university at St. Anthony. The first capitol was completed in 1853 but was destroyed by fire in 1881. The second capitol was completed in 1883. In 1893 provision was made for a new capitol, to cost \$2,000,000. This magnificent structure was completed in 1905.

¹ For a list of the territorial governors see Appendix, p. 144. For other officers of the territory see Legislative Manual, 1905, pp. 95-7.

The people of the United States were in the midst of the slavery struggle when Minnesota applied for admission into the Union. Up to 1850 half the States were slave and half free. The admission of California broke the



Henry H. Sibley,
First Governor of the State of Minnesota

“balance.” The Kansas-Nebraska bill only emphasized the strife. The admission of Minnesota would add another free state. This was not favored by the members of congress from the South. But on February 26, con-

gress passed an act to enable Minnesota to frame a constitution preparatory to admission into the Union.¹ The boundaries of the proposed state were indicated; concurrent jurisdiction on boundary waters was guaranteed to Minnesota; all the navigable streams were designated as common highways and navigation made free to the inhabitants of the state and to all citizens of the United States; and the details of calling the constitutional convention were specified. Five propositions were then submitted to the voters for their free acceptance or rejection which if accepted were to be binding upon the United States and the state: (1) sections sixteen and thirty-six in every township were granted for the benefit of the public schools;² (2) seventy-two sections, for the endowment of a state university; (3) ten sections, for public buildings; (4) all the salt springs (not to exceed twelve) and six sections of land adjoining each, to remain under the control of the state; (5) and five per cent of the net proceeds arising from the sale of public lands, for the benefit of internal improvements. These propositions were submitted on the following conditions: (1) the state was never to interfere with the disposal of the public lands; (2) nor tax the lands belonging to the United States; (3) nor tax non-resident proprietors higher than residents.

In June 1857, the delegates³ to the constitutional convention were elected and as there was much uncertainty respecting the boundaries and election districts,

¹ This is known as an enabling act. Students should read it carefully. See Legislative Manual, 1905, p. 20.

² Minnesota was the first state carved out of the public domain that received two sections in every township for the benefit of the public schools. Those states admitted before 1858 received only one section.

³ For list of members, See Legislative Manual, 1905, p. 98.

many charges and counter-charges were made in regard to fraud. Fifty-nine republicans and fifty-three democrats were chosen. The enabling act designated July 13 as the day for the constitutional convention to convene but did not specify the hour. Partisan political feeling was so intense that the republicans assembled at midnight on the day designated and proceeded to organize; the democrats did the same at noon, each claiming to be the legal constitutional convention. This farce was continued for some time when a conference committee met and agreed that each division of the convention should adopt the same constitution. The constitution¹ was completed and adopted by the convention August 29, 1857. On October 30, the people adopted the constitution by the decisive vote of 30,005 yeas to 571 nays. After prolonged opposition congress passed the act admitting Minnesota into the Union May 11, 1858.²

Not willing to wait for the final formalities of admission into the Union, the people while voting on the adoption of the constitution elected state officers and representatives to the National House of Representatives.³ H.

¹ The constitution of Minnesota is among the longest of the state constitutions. Since the constitution is the chief source from which a knowledge of state government is gained it is constantly referred to in connection with the text. There are fifteen articles, the essential contents of which may be outlined as follows: (1) Preamble; (2) Enacting clause; (3) Organization of the Government, with powers of each department; (4) Organization of the state or the suffrage qualifications; (5) Bill of rights; (6) Amending clause; (7) Schedule arranging for the transfer from territorial to state government.

² See Legislative Manual, 1905, p. 64.

³ J. M. Cavanaugh, W. W. Phelps and George L. Becker were chosen. But the population was not sufficient for three representatives and lots were cast. Mr. Becker was unsuccessful. For list of Minnesota senators and representatives in congress since 1858 see Legislative Manual, 1905, pp. 106-7. A state seal was

H. Sibley was elected governor. In December the legislature met and elected Henry M. Rice and James Shields United States senators. Some opposition to the seating of these congressmen arose in both houses. This was based on the ground that only states could send congressmen. It was claimed that these persons were chosen while Minnesota was still in the territorial period; but this technical opposition was withdrawn and the congressmen were seated when Minnesota was declared a state.

15. Minnesota in Military Affairs.—Minnesota entered the Union during the prelude to the Civil War. In 1861 the gathering storm broke and the American people were plunged into fraternal strife. Minnesota did yeoman service in the cause of the Union. This is easily explained: (1) there were many settlers from the older states in the East but these states were all located in the North and were opposed to slavery; (2) the remainder of Minnesota's population was made up of middle class Germans and Scandinavians that had received homes in the land of their adoption at the hands of the central government. They hated slavery, having avoided the South for that reason.

When Ft. Sumter fell in April, 1861, Governor Ramsey was in Washington and immediately tendered to President Lincoln 1,000 men from Minnesota to suppress the insurrection. These were the first troops accepted by the President from any of the states. The population of the state in 1861 was about 200,000. Of this number 25,052 rendered service in the war, taking part in all the leading and most of the minor engagements.¹

adopted by the legislature. The motto is *E' Etoile du Nord*, "Star of The North." A state flag was not adopted until 1893. The state flower is the Moccasin Flower (*Cypripedium*). See Legislative Manual, 1905, pp. 4-6.

¹ After the Civil War several societies of a beneficial, fraternal, and patriotic nature were organized: (1) Grand Army of the

While most of the able-bodied men were at the front nobly defending the Union, there occurred in the western part of the state the Sioux war—the greatest Indian massacre in the history of the United States. Before 1851 some three or four treaties of friendship had been made with the Indians. By the treaties of 1851 and 1858 the United States came into possession of all the land in the state except two Indian reservations. In return for these lands the government promised to pay the Indians large annuities for a period of fifty years from 1855. Congress was slow in making appropriations and the Indian agents, traders, half-breeds, and others that had become partially civilized are alleged to have robbed the Indians. Smarting under these injustices and imbued with the hope of regaining their lands, already ceded, the Indians fell upon an almost defenceless frontier and began their nefarious work. The little town of Acton in Meeker county was the first to fall; twenty-four hours later the upper agency on the Yellow Medicine and the lower agency at the mouth of the Redwood were simultaneously attacked and completely destroyed. In August, New Ulm and Ft. Ridgely were attacked but were defended with desperate valor.

Volunteers from the older settlements in the state came to the rescue under the command of General H. H. Sibley and routed the Indians, capturing about 2,000. Of this number 303 were condemned to death by a court-martial; 265 were reprieved by the President and 38 were hanged at Mankato, December 26, 1862. The Indians were further punished by troops under the command of General Sibley, 1863, and General Sully in 1864.

Republic; (2) Woman's Relief Corps; (3) Loyal Legion. The Legislature of Minnesota established a Soldiers' Home in 1887. This is located at Minnehaha Falls.

As a result of this outbreak 30,000 persons fled from their homes and 2,000 lost their lives.

During the Spanish-American war in 1898 Minnesota repeated her patriotic action of the Civil War by furnishing a large quota of troops to assist in the liberation of Cuba.¹

16. Railroads.—Although Minnesota has splendid navigable waters for both internal and external commerce, the date of admission was one of great activity in railroad building. The great trans-continental lines were being discussed and many states had given assistance to railroads by voting money, lands, and credit for their construction. Even the government of the United States actively engaged in this work.

March 3, 1857, congress granted 5,000,000 acres of land to Minnesota for railroad purposes. Designing men and worthless companies with neither money nor credit sought to secure control of these lands and succeeded; but having no ready money the railroad companies went before the legislature and asked the state to lend its credit to the amount of \$5,000,000. This was done by an amendment to the state constitution; but when bonds to the amount of \$2,275,000, had been issued the state did not have a mile of completed railroad and only 250 miles of road graded. The state proceeded to secure its bonds by taking the franchises of the roads and nearly all the 5,000,000 acres of land. The sentiment against paying the bonds either principal or interest without a vote of the people was so strong that in 1860 the constitution was amended to that effect. In 1877 an effort was made to pay the bonds by setting aside the proceeds from the sale of 500,000 acres of internal improvement lands; but this was defeated by a vote of the people. In October, 1881, a special session of the legislature was

¹ See Legislative Manual, 1905, p. 188.

called and an adjustment made on the basis of 50 per cent of the amount due, pledging the proceeds of the 500,000 acres of land. This proposition was adopted by a vote of the people and the state did not repudiate its debts largely owing to the earnest efforts of John S. Pillsbury, then governor of the state.¹

In 1862 the legislature declared the old railroad franchises forfeited and transferred them to new companies. During the summer a railroad from St. Paul to St. Anthony was completed. This was the first railroad completed in the state and was ten miles in length. The Civil War stopped railroad building; but in 1870 the state had a thousand miles of completed railroad. Minnesota now has fourteen railroad companies operating 6,198 miles of road. The central government granted 17,621,952 acres of land and the state of Minnesota granted 3,062,141 acres or a total of 20,684,093 acres toward the building of these railroads.

17. Growth and Resources of the State.—The population of Minnesota is made up of diverse nationalities—the German and Scandinavian predominating. Two-thirds of the people are natives of this country. The population of the state for various periods has been as follows: in 1850, 6,077; in 1860, 172,023; in 1870, 439,706; 1880, 780,773; 1890, 1,301,826; 1900, 1,751,394; 1905, 1,979,912.

Minnesota has many gifts of nature. The territory of the state is the source of three great river systems of North America—all navigable. The general surface of the state is high and rolling. The average elevation is about 1,275 feet above the sea-level; the lowest point is Lake Superior, 602 feet; the highest the Misquh Hills in Cook county, 2,230 feet. There are 7,000 lakes the

¹ The constitution now forbids the state from loaning its credit to any individual, association, or corporation. Art. IX, Sect. 10.

value of whose fish alone is estimated at \$100,000,000. In addition to the fish Minnesota has the finest large and small game hunting of any state in the Union. The state was at one time heavily timbered. The soil is fertile and well adapted to the growth of small grain, fruits and vegetables. There are vast deposits of iron suitable for the making of Bessemer steel. Unlimited quantities of high-grade sand, fine stone and clay are found. The elevation of Minnesota, its fine drainage and the dryness of the atmosphere give it a climate of unusual salubrity and pleasantness. It has a mean annual temperature of 44 degrees; while its mean summer temperature is 70 degrees.

The industries of Minnesota are extensive and varied. The total number of farms is in round numbers 160,000, representing 30,000,000 acres.¹ The average number of acres to a farm is 169. The total value of all farm property is \$800,000,000. The value of farm products is \$175,000,000.

In manufacturing Minnesota ranks first among the states in the manufacture of flouring and gristmill products; third in the manufacture of lumber and linseed oil. The total number of manufacturing establishments is 1,100, representing an invested capital of \$170,000,000, employing 80,000 persons who earn in wages annually over \$36,000,000. The product of meat packing and slaughtering establishments is over \$10,000,000, and Minnesota creameries annually produce butter to the value of \$14,000,000.

Minnesota contains iron mining districts that furnish two-thirds of the ore mined in the United States. St. Louis county is the mainstay of the steel industry in this country.

18. The Future of the State.—Since Minnesota be-

¹ Legislative Manual, 1905, pp. 300; 19.

came a state in 1858, its history has been one of progressive development. The intelligence, the enterprise, and the moral earnestness of the people have imprinted the stamp of an advanced civilization on the character of the state. In accordance with the true American idea, the church accompanies the school. Vigorous churches of all denominations and an able ministry are keeping step with other forces which are rapidly telling for true stability and growth.

What shall be the future of our state? That future depends on the men and women, the boys and girls of to-day. It is they who make the state. Throughout the wide world there is no other land so full of opportunities as our own. We are free to make our institutions ideal. But our civil institutions depend on the citizen for their strength and character. He makes the government in school district, county, state, and nation. His interests are entrusted to public servants of his own choosing. Upon him fall both the responsibilities and the blessings of free government.

At the fireside we hear the stories of Washington and Lincoln; in school we learn of the making of the states and of the nation; we learn the nature of the state, its organization, and its administration. We leave school, and enter upon the active duties of life; then our influence is for or against good government—we hinder or we promote the general welfare. Many years ago a child of five years became king of France. Until he was old enough to take upon himself the cares of his kingdom his guardians ruled in his name. On the day when he became of age his minister inquired of him, "Sire, to whom shall I now report?" "To me," replied the king, "I am the state." And in this country, when a youth enters upon his manhood years, he well may say, "I am the state. Its interests, its honor, its history, are mine also."

Popular government on a vast scale is for the first time

on trial in this country. It is upon the individual citizens that its destiny depends. The work of good government is our work. "With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in." And we may then confidently expect the blessings of Providence to rest upon the State of Minnesota.



The Great Seal of the State of Minnesota

CHAPTER III.

THE STATE GOVERNMENT.

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19. Citizen and Elector.— According to the provisions of the fourteenth amendment to the constitution of the United States, "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside." From this it follows, that citizens are either native born or naturalized. Hence, every person now residing in Minnesota who fulfills either of these two conditions is a citizen of this state.

A citizen is a member of the community; he may or may not have the right to vote, but in either case he is protected by the government in his civil rights, and therefore owes a duty to the state. The citizen's duty to the state includes: (1) unqualified obedience to the laws of the state; (2) a giving up of a part of his means for the support of the government by paying taxes; (3) support

of the government by force of arms should necessity require it.

An elector is a person who has the right of suffrage. The elector has all the obligations of the citizen, and in addition, he has the right of voting, which is a privilege or a trust. The abuse of the right to vote is a menace to good government. To vote wisely and conscientiously is to promote the general welfare. The framers of our state constitution did not give all citizens the right to vote, but provided safeguards for the right of the elective franchise.¹ The will of the state is expressed by the voters in the choice of officers called the government. This is called representative government.

20. Departments of the Government.—The government of Minnesota, like that of the other states, is vested in three departments—the legislative, the executive, and the judicial—among which are distributed all powers which the people desire to have exercised by the government. The constitution expressly prohibits the officers of one department from exercising the powers of another except in instances provided for in that instrument. In this way the separation of the powers of government is secured.²

¹ See Art. VII.

² See Art. III.

THE LEGISLATIVE DEPARTMENT.

21. The Legislative Power.—While the three departments — the law-making, law-explaining and law-enforcing — are necessary to the existence and continuance of the government, the legislative, or law-making, is of prime importance, for laws must be enacted before they can be explained and enforced. All the statutory laws of the state of Minnesota, are made by the legislative department.¹ The governor of the state participates in legislation when he approves or vetoes a bill. Any thing that has the form of law and is not in harmony with the laws of the United States or with the constitution of the state may be declared void by the judicial department.

The legislative power of Minnesota is vested in a legislature consisting of a Senate and a House of Representatives.²

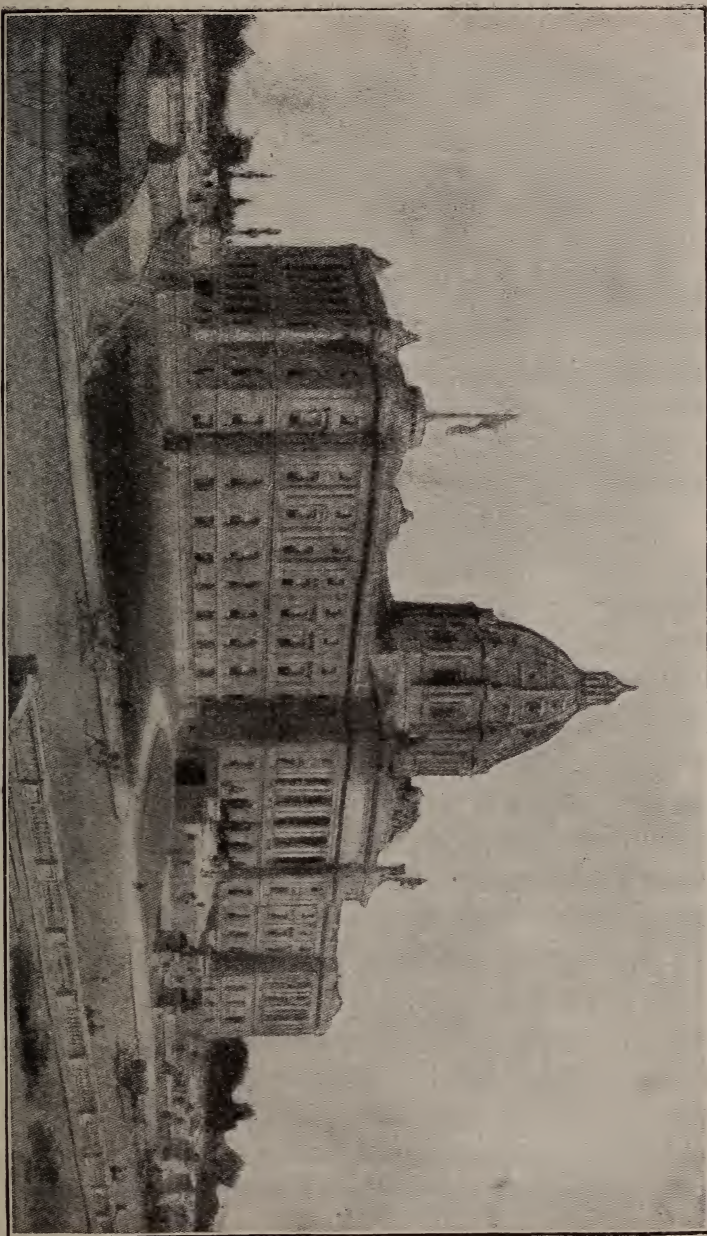
22. The Legislature.—The members of the legislature are chosen by the electors at the general election on the first Tuesday after the first Monday in November of each even-numbered year (1906, 1908) and serve, the representatives for two years and the senators for four years. Should a vacancy occur in either house, a special election to fill the vacancy for the unexpired term is ordered by the governor.³

The legislature meets in regular session at 12 o'clock noon, in the capitol building in St. Paul, on Tuesday after the first Monday in January in every odd-numbered

¹ The constitution is adopted by the voters directly. There is a large body of common law, or the unwritten customs of England, that we inherited directly.

² See Art. IV., Sects. 1-2.

³ For qualifications of members of the legislature see Art. IV., Sect. 25 and Art. VII.



The Capitol, St. Paul

year. The constitution provides that no session of the legislature shall exceed ninety legislative days. At the discretion of the governor special sessions may be convened on extraordinary occasions, and the Senate may be convened in special session for the transaction of executive business.

23. The Two Houses.—Each house elects its own officers, except that the lieutenant-governor is *ex-officio* president of the Senate. He is not a member of that body and votes only in case of a tie. The Senate elects one of its own members president *pro tempore*, who acts as president when the lieutenant-governor is absent.¹

The presiding officer in the House is called the speaker, who votes as a member.

Among other officers and employés of each house are clerks, who have charge of bills; the sergeant-at-arms, who keeps order and compels the attendance of absent members, when so ordered by the house; the doorkeepers, who guard the doors; the chaplain, who opens the sessions with prayer; and the pages, who wait on members while the house is in session.

There are certain special powers possessed by each house. The House of Representatives has the sole right to institute impeachment proceedings against state officers charged with misdemeanors and to originate bills for raising revenue. All cases of impeachment of state officers are tried by the Senate, and most of the appointments made by the governor require the consent of this body.

24. Committees.—An important part of the legislative work is done by committees. The usual subjects of state legislation fall into about fifty classes or groups;

¹ Within certain limitations each house has power over its own internal organization. For the powers, privileges, duties, limitations, or prohibitions see Art. IV.

such as judiciary, finance, ways and means, railroads, education, public lands, etc.

Committees having charge of these subjects are called standing committees, because they have charge of a given class of subjects during the entire session. The committees are formed early in the session, by appointment by the lieutenant-governor in the Senate and by the speaker in the House. A committee of conference is appointed in each house, when differences arise between the two houses. The business of a committee of conference is to endeavor to harmonize these differences. Sometimes joint committees investigate subjects of general interest, as railroad rates, etc. There are also special committees appointed when necessary, which have particular subjects or bills referred to them for a special report.

The committee of the whole hears and considers all bills on their second reading. When so sitting the discussion is more informal than in the regular sessions of the house and is not restricted by the rules which apply to the regular sessions. When sitting as the committee of the whole, the house is presided over by a chairman appointed by the regular presiding officer of the house.

The committees exercise a guiding influence in legislation by deciding what bills are worthy of serious consideration by the members. The work of the various committees in examining, and either approving, modifying, or rejecting the different bills, greatly facilitates the transaction of business by the legislature, which usually acquiesces in the conclusions of the committees.¹

25. What the Legislature Does.—The legislature elects two persons to represent the state in the senate of

¹ For a list of the committees of the forty-fourth legislature see Legislative Manual, 1905, p. 146; 148. For the rules of the two houses see Legislative Manual, 1905, p. 151; 160; The rules must be in harmony with the constitution; but in many respects they supplement this instrument.

the United States.¹ For election purposes it divides the state into judicial, representative, senatorial, and congressional districts.

The laws enacted by the legislature deal with the subjects that concern the residents of the state both in their relations to the state and to the community in which they live, and in their every-day actions and business relations with one another. They provide for the government of counties, cities, towns, and school districts; for the organization and procedure of the courts; for the establishment and support of schools and benevolent institutions; for the prevention and punishment of crime; for the levying of taxes to defray the expenses of the state government; for the conduct of elections; for the formation and regulation of railroad, manufacturing, mining, business, and other corporations; for the legal relations of husband and wife and of parent and child; for buying and selling houses, lands, goods, and for the due fulfillment of all lawful contracts that may be made by residents of the state. It is seen, therefore, that the real function of state law is to guide, to restrain, and to protect the citizen in most of his undertakings.

26. How Laws are Made.—The introduction to every law is, “Be it enacted by the legislature of the State of Minnesota”; and no law may include more than one subject which must be expressed in its title.

All proposed laws, except for raising revenue, may originate in either house in the form of bills which can not be introduced during the last twenty days of the session, except with the written consent of the governor, nor can a bill be passed on the last day of the session; but

¹ These persons are elected at large, or irrespective of districts. For the other districts see Legislative Manual, 1905, pp. 130, 131, 136.

it may be engrossed, signed and transmitted from one house to the other, or to the governor.

A bill, on being introduced into either house must be read at length or by title and referred to the appropriate committee; after its return from the committee, if the report is favorable it is printed, and must be read at length on two different days unless an emergency exists when the rules may be suspended and more than one reading heard on the same day.

If a bill is materially amended it is ordered reprinted. When any changes or amendments to a bill are made in the other house the bill must be returned for approval to the house in which it originated. Before a bill is declared passed, it must have a majority vote of all the members of each house; the final vote on the bill must be taken by the yeas and nays, and the names of those voting, and how they voted, must be entered on the journal.

Every bill passed by both houses is engrossed; it is signed by the speaker and the chief clerk of the House; also by the president and secretary of the Senate in the presence of the members; it is then sent to the governor. If he signs the bill, it becomes a law, and is filed with the secretary of state for safe-keeping. If the governor does not approve the bill he vetoes it; that is, he returns it to the house in which it originated with his reasons for objecting to it. If both houses re-pass the bill by a two-thirds vote of all the members, it becomes a law without the approval of the governor. If the governor fails either to sign or to return the bill within three days, Sunday excepted, after it has been presented to him, it becomes a law, unless the legislature by adjourning, prevents its return.

The constitution provides that the governor may veto any item or items in a bill making appropriations of money when the bill embraces distinct items; the items

disapproved are void unless reconsidered and passed in the manner of passing bills over the executive veto.

A law does not go into effect until the date designated by the legislature in the act. Authority is given the secretary of state to collect and have the laws published. These laws are first published in the newspapers of the state, and later in permanent book form for sale.

27. Restrictions on Law-Making.—There is a constantly increasing tendency on the part of legislatures to act on a multiplicity of subjects. This disposition prompted the framers of our constitution to hedge the legislature with many limitations. These limitations supplement the restrictions on state legislation found in the constitution of the United States. The “Bill of Rights” prohibits the legislature from disturbing the individual in the right of “life, liberty and the pursuit of happiness.”

Probably the chief reason for so many restrictions being placed upon the legislature is because the responsibility for vicious or special legislation is not easily fastened upon individual members. These restrictions, together with the checks which each house exercises upon the other, and the executive veto, materially restrain and circumscribe the legislative power.¹

¹ See Art. IV., Sect. 33.

THE EXECUTIVE DEPARTMENT.

28. The Executive Department, according to the constitution, consists of six officers: the governor, the lieutenant-governor, the secretary of state, the state auditor, the state treasurer, and the attorney-general.¹ All these officers are elected by popular vote at the general state election, held in even-numbered years. All but the auditor hold office for two years, or until their successors are elected and qualified, from the first Monday in January after their election. The auditor's term is four years. The scope and authority of each of the state officers are carefully defined by the constitution or statutes or by both.

29. The Governor is the supreme executive officer. As the chief executive, it is his duty to see that the laws are faithfully executed and to preserve peace and order. He is commander-in-chief of the military and naval forces of the state except when they are engaged in the service of the United States; with the consent of the Senate, he appoints the principal officers of the state that are not elected by the people, and the members of the boards of the various state institutions. He has power to remove any person whom he appoints; also the clerk of the supreme and district court, and most local administrative officers for malfeasance or misfeasance in office.

He is empowered under certain restrictions, to fill vacancies that may occur in office. When occasion requires he issues writs for special elections. He may demand fugitives from justice in this state from the executive of any other state, and upon the requisition of the gov-

¹ See Art. V., Sect. 1.

ernor of another state may issue warrants for the arrest of fugitives found in this state. He may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subjects relating to the duties of his office. He, as a member of the board of pardons, may participate in granting reprieves and pardons after conviction for offenses against the state except in cases of impeachment.

In legislation it is the duty of the governor to transmit to the legislature, by message, information concerning the condition of the state, and to indicate a general policy of legislation by recommending such measures as he may deem expedient. He convenes extra sessions of the legislature when necessary and has the power to adjourn this body if the two houses cannot agree as to the time of adjournment; he examines all bills submitted to him by the legislature, signs those which he approves and either allows the others to become laws without his signature or vetoes and returns them to the house in which they originated.

The power which the governor holds in relation to the legislative and judicial departments of the government belongs to him peculiarly as chief executive of the state.¹

30. The Lieutenant-Governor.—The constitution provides that in case the governor, for any cause or disability shall be removed, the duties of the office shall devolve upon the lieutenant-governor. In case of the disability of the lieutenant-governor, the duties of the office devolve upon the president *pro tempore* of the Senate. The lieutenant-governor is *ex-officio* or by virtue of his office, the president of the Senate. He is not a regular member of the Senate and votes only in case of a tie.

31. The Secretary of State.—Chief among the duties of the secretary of state is the preservation of state rec-

¹ See Art. V., Sect. 4.

ords. All public records, reports, laws, and resolutions are enrolled in his office. He publishes the laws and journals of the legislature, proposed amendments to the constitution, and the reports of the state officers and boards; he gives notice to the county auditors of state and national elections, of the offices to be filled, and the names of the various nominees certified to him; he receives the election returns for all candidates for state offices, members of congress, and presidential electors, and at the direction of the state canvassing board, of which he is a member, issues certificates of election;¹ he takes the state census every ten years; he submits to the decision of the electors all proposed amendments to the constitution; he attests all proclamations, commissions, and other documents issued by the governor, and as evidence of their authority, stamps them with the great seal² of the state, of which he is the custodian; he is the purchasing agent and custodian of all stationery and supplies for the legislature and state officials; he issues and keeps a record of the charters of corporations, such as railroad, telegraph, telephone, manufacturing, and banking companies, colleges, and of private corporations organized for business, charitable, or social purposes; and he conducts all official communications with other states and with the United States.

32. The State Auditor issues warrants or orders on the state treasurer for the payment of salaries of state officers, members of the legislature, clerks, and other employés in state offices, and for all moneys authorized by law to be paid by the state treasurer; he makes a semi-annual report to the superintendent of public instruction of the amount of the state school fund, and after this has been apportioned by the superintendent of public instruction among the various counties of the state, the state

¹ See Sect. 109.

² See p. 32.

auditor issues warrants on the state treasurer for the payment of the same to the various county treasurers. He prescribes the tax blanks, prepares the abstracts of taxes for the state board of equalization, keeps an account of all the taxes, and makes a detailed report of the affairs of his office to the legislature.

The auditor is *ex-officio* land commissioner. He has charge of the sale and lease of all lands belonging to the state and must keep a classified account of all money transactions connected with them.

33. The State Treasurer receives and keeps in charge all money belonging to the state not otherwise provided for, and pays out the same upon warrants issued by the state auditor; he countersigns and keeps a record of all warrants issued by the state auditor; he makes daily reports to the state auditor of the money received and paid out, and the warrants registered by him; he prints, in one or more of the daily newspapers published at the capital, a condensed financial statement for the two preceding months; he must report to the state legislature on the third day of its session, and to the governor at any time this officer may require it, the condition of the public accounts. His books are to be examined four times each year by an auditing commission provided by law. He is authorized to loan the money of the state for the benefit of the state, to the bank or banks that will give the highest interest, which must be at least two per cent.

34. The Attorney-General is the law officer of the state. It is his duty to defend the state in all suits that may be brought against it, and to prosecute in the proper court any claims made by the state against any person, corporation, other state, or the government of the United States; he is also required to give official opinions upon legal questions submitted by the governor, the heads of the state departments, and various other offi-

cers throughout the state on matters relating to their respective offices. Upon the request of the governor he is required to prosecute any person accused of an indictable offense. He may appear in the district court in criminal cases when so requested by the county attorney.

35. Railroad and Warehouse Commission.—The members of the railroad and warehouse commission were made elective for a term of four years in 1899. Before this date they were appointed. The work of this board embraces matters pertaining to railway operation, the administration of the grain service at terminal points, and the supervision of commission merchants.

Since 1885, this board has appointed a chief grain inspector. The work of this department is done in six districts under various deputies.¹

36. Administrative Boards and Appointed Officers.—A number of state boards have been created from time to time for the performance of particular duties.

ADMINISTRATIVE OFFICERS.

1. *The Superintendent of Public Instruction*,² has general supervision of the public schools of the state; he counsels with county superintendents and other school officers and persons on matters involving the welfare of the schools; his decisions touching the school laws are final until set aside by legal authority or by legislation; he furnishes county superintendents with lists of questions to be used in examining persons who desire to become teachers in the public schools, and prescribes regulations concerning their use, in order to make the examination

¹ These districts are St. Paul, Minneapolis, St. Cloud, Duluth, New Prague and Sleepy Eye.

² The members of the various boards, commissions, and bureaus are appointed by the governor with the approval of the Senate except when otherwise indicated.

uniform throughout the state; he has the manuscripts marked under his direction and issues a teacher's certificate if the candidate is successful; he apportions the public school income fund among the various counties; he furnishes blanks and forms for the use of subordinate officers and teachers; he compiles and distributes the state school laws; he makes a biennial report to the governor setting forth the condition of the schools, with suggestions concerning their improvement; he is *ex-officio* a member of various state boards that have to do with educational matters.

Another state administrative officer is (2) *The Public Examiner* who is the expert accountant of the state and holds his office for a term of four years. By law he has unlimited power to examine the accounts of all public officers, state, and county, and the financial offices of certain cities; he examines the books of all corporations that pay a gross earnings tax; he is *ex-officio* superintendent of banks; he prescribes and enforces correct methods of keeping the financial accounts of state institutions, county offices, and banking institutions.

Other administrative officers are as follows:

(1) The Commissioner of Insurance; (2) The Dairy and Food Commissioner; (3) The Commissioner of Labor; (4) The State Librarian, who has charge of the state library under the direction of the justices of the supreme court; (5) The Forest Commissioner, who is the state auditor and appoints a fire warden-in-chief for the state; (6) The Oil Inspector; (7) The Surveyors of Logs and Lumber; (8) The Custodian of Public Buildings; (9) The Boiler Inspectors; (10) The Adjutant General.

STATE BOARDS (MAINLY EX-OFFICIO)

There are several state boards, mainly *ex-officio*. These are as follows: (1) Board of Investments consisting of the governor, auditor, treasurer, chief justice of the supreme court, and president of the board of regents for the state university; (2) The Board of Pardons, consisting of the governor, attorney-general,

and chief justice of the supreme court; (3) Board of Equalization, consisting of the governor, auditor, attorney-general, and one elector from each judicial district in the state; (4) The Board of Public Printing, consisting of the secretary of state, auditor, and treasurer; (5) The Auditing Board, consisting of the governor, secretary of state, and attorney-general; (6) The Public Library Commission, consisting of the superintendent of public instruction, president of the state university, secretary of the state historical society, and two other persons; (7) The Public School Library Commission, consisting of the state superintendent of public instruction and the presidents of the five normal schools; (8) The State Board of Canvassers, consisting of the secretary of state, two or more justices of the supreme court, and two disinterested judges of the district courts.

OTHER STATE BOARDS.

There are a number of other state boards whose duties are sufficiently indicated by their title. These boards are as follows:¹

(1) Board of Examiners in Law (one from each of the nine congressional districts); (2) Board of Health and Vital Statistics (nine members); (3) Board of Medical Examiners (eight members); (4) Board of Pharmacy (six members); (5) Board of Dental Examiners (five members); (6) Board of Veterinary Medical Examiners (five members); (7) Board of Examiners of Barbers (three members); (8) Board of Commissioners of Practical Plumbing (five members); (9) Horseshoers' Board of Examiners (five members); (10) Game and Fish Commissioners (five members); (11) Forestry Board (nine members); (12) Board of Electrical Examiners (five members); (13) State Capitol Commissioners (seven members); (14) Board of Examiners in Optometry (five members); (15) Board of Appeals for the Inspection of Grain (six members); (16) Board of Osteopathic Examiners and Registration (five members); (17) Live Stock Sanitary Board (five members); (18) State Highway Commission (three members); (19) State Board of Examiners for Teachers' Professional Certificates (three members); (20) State Board of Arbitration (three members).

¹ The boards numbered 1, 2, 3, 5 and 18 serve three years; those numbered 4 and 16, for four years; the board numbered 10 for four years and the others for two years.

BOARDS FOR STATE INSTITUTIONS.

There are various boards for state institutions. These are as follows: ¹ (1) Board of Regents for the state university (twelve members); (2) Board of Directors for the state normal schools (nine members); (3) State High School Board (five members); (4) Board of Directors for the school for the deaf and the blind (seven members); (5) Board of Control for the state public school (three members); (6) Board of Trustees of Minnesota soldiers' home (seven members); (7) State Board of Control of state institutions ² (three members).

SOCIETIES AND ASSOCIATIONS.

There are several societies and associations under the supervision of the state. Some of them receive state aid. These societies are as follows: (1) Minnesota Historical Society; (2) The Forestry Association; (3) Minnesota State Agricultural Society; (4) Minnesota State Horticultural Society; (5) Minnesota Dairymen's Association; (6) Minnesota State Butter and Cheese Makers' Association; (7) Minnesota State Farmers' Institute; (8) Minnesota State Art Society; (9) Society for the Prevention of Cruelty to Animals.

37. Notaries Public.—The governor may appoint as many notaries as he thinks necessary. A notary is empowered to administer oaths, attest signatures and take depositions and acknowledgments of documents. All such papers, when attested by a notary, are admitted by the courts as legal evidence.

38. The Militia.—All able-bodied male persons of the state between the ages of eighteen and forty-five years,

¹ Boards numbered 1, 5, 6 and 7 serve six years; number 4 serves five years; number 2, serves four years, and number 3, two years.

² The state board of control has either general or complete charge of the state correctional and charitable institutions. It also has charge of the construction of all buildings and permanent improvements for all the state institutions, except the new state capitol.

who are not exempted by law, belong to the enrolled militia, but they are not called upon to perform military duty unless there is war, rebellion, or invasion, and a sufficient number of volunteers cannot be had. The organized militia is known as the Minnesota national guard, and is composed of volunteers from the enrolled militia; the national guard is uniformed, armed, and equipped at the expense of the state, and is drilled in conformity with the system employed in the United States army.

There is now allowed by law, in addition to the land military forces a naval force of eight divisions divided into two crews and known as the Minnesota naval militia. The government of the United States has furnished a vessel from the navy for the use of the naval militia.

It is the duty of the military forces to respond to all calls from the governor to aid in suppressing riots, mobs, and tumults.

THE JUDICIAL DEPARTMENT.

39. The Judicial Power of the state is vested in the supreme court in the state; in the district court in the judicial district; in the probate and justices' courts¹ in the counties; in the police or municipal courts in the cities and counties; and in such other courts as may be created by the legislature. All courts, except the justices' court, are known as "courts of record."

40. The Supreme Court consists of five judges chosen by the electors of the state to serve for six years. Two terms of the supreme court are held annually at St. Paul.² Special terms are held if all the justices, or any two of them, decide that the public interest requires them.

The supreme court is authorized to issue various writs and to hear and determine them, for the purpose of correcting abuses and preventing violations of the law. In these cases it decides only on matters of law; matters of fact are referred to a lower court and are tried by a jury.

The jurisdiction of the supreme court extends over the entire state and is both original and appellate. This court's original jurisdiction is limited, its work being confined chiefly to cases appealed from the lower courts.³

41. The District Courts.—The state is divided into eighteen judicial districts. Each district elects one or more judges for a term of six years. These judges have original jurisdiction in all civil actions within their re-

¹ The local courts are described in this chapter in order to give a view of the judicial system as a whole.

² First Tuesday in April and October.

³ The justices of the supreme court appoint a reporter who prepares the decisions for publication. The clerk of the supreme court is elected by the people for a term of four years.

spective districts, when the sum in controversy exceeds one hundred dollars, and in all civil actions whatever the amount in controversy when a justice of the peace has no jurisdiction; they have original jurisdiction in criminal cases when the punishment exceeds three months' imprisonment or a fine of more than one hundred dollars, and appellate jurisdiction in both civil and criminal cases from the lower courts. At least one term of the district court is held each year in each county of the judicial district. Special terms may be held at the option of the judge. On the request of the governor the judge of one district is required to hold court in another district when the public interest demands it.

In counties of over 50,000 population the judges may designate one of their number to hold a juvenile court. This judge has a separate room.

When the judges of the supreme court are disqualified from sitting in any case, the judges of the district courts may sit for them. The governor makes the assignment unless he is an interested party, when the lieutenant-governor does it.

There is elected in each county where a district court is held, a clerk of the court, whose term of office is four years.¹

42. Justices' Courts.—The humblest court in the land, the court upon which all other courts are founded, and the court of greatest antiquity, is the justices' court. There are two justices for each township or village, and usually two or more for each city.

Justices of the peace have jurisdiction in civil cases in which the amount in dispute does not exceed one hundred dollars, except when the boundaries or the title to land are in question, in which case they have no jurisdiction. They are authorized to hear and determine cases of mis-

¹ See Art. VI.

demeanors and minor violations, such as assault and battery and petit larceny. They have no jurisdiction in a criminal case where the punishment exceeds three months' imprisonment or a fine of over one hundred dollars. They act also as examining magistrates to determine whether persons arrested, charged with felonies shall be held for an inquiry by the grand jury. If, on the examination of witnesses there is found evidence of guilt, the prisoner is held to await the action of the grand jury. The accused person may be released on giving bail or security to appear in court when summoned. If the crime is one which is not bailable, such as murder, or if the accused person fails to give satisfactory security to appear in court when summoned he is sent to jail, where he remains until the case is tried, unless he is released on a writ of *habeas corpus*.¹

In civil cases a jury trial may be had in a justice's court on the demand of either party; but the jury may consist of only six men if both parties consent. A jury in criminal cases consists of twelve men.

A change of venue may be taken to the court of the nearest justice. An appeal may be taken from the decision of the justices' court to the district court. The justice of the peace is empowered to issue warrants, to solemnize marriages, to administer oaths, and to attest signatures.

43. The Probate Court.—Every organized county in the state has a probate court. The probate judge is elected by the people for two years, and appoints his own clerk. This court probates the wills of deceased persons and supervises the settlement of the estate, administers the es-

¹ A writ of *habeas corpus* is an order issued by a judge directing that the accused person or any person whose detention is questioned be brought into court, that the cause of his imprisonment or detention may be investigated.

tates of persons dying without a will, appoints guardians for minors, incompetent, and insane persons, examines those suspected of being insane and commits them to the state asylum for the insane, if they are so found, and performs the marriage ceremony.

44. Municipal Court.¹—To relieve the other courts the legislature has created the municipal court. Any incorporated place of 2,000 inhabitants may have such a court. The people in the city elect the judge for a term of four years. His salary is fixed by the council.

This court has jurisdiction in civil actions where the amount in controversy does not exceed five hundred dollars. It has jurisdiction in criminal cases equivalent to that of a justice of the peace and this is co-extensive with the limits of the county where it is located.

45. Executive Officers of the Courts.—The executive officer of the supreme court is called the marshal, who is appointed by the judges. The executive officer of the district court is the sheriff or the coroner; of the probate court, the sheriff or constable; of the municipal or justices' courts, the sheriff, constable, the marshal, or policeman. These officers execute the orders of the courts, serve papers, and have charge of juries and prisoners.

46. Clerks of the Courts.—In all courts of record there is a clerk.

The clerks of the courts attend the sessions of the courts and make a record of their proceedings; they issue subpœnas or notices calling into court such persons as the judges or parties interested in litigation, may direct to be present; they call jurors and witnesses before the court and administer the oath to them; they have

¹ This court has a clerk and a seal and is thus a court of record. A court of record is one that preserves accurate records of all its proceedings. All courts in Minnesota are courts of record except justices' courts.

charge of all papers and documents; and when directed by the court, they issue writs in its name and affix its seal.

47. Attorneys.—Attorneys-at-law are, in a certain sense, officers of the courts, because they are admitted to practice in the courts of the state by the supreme court or by a board appointed by this court; they must have a good moral character and a legal education. Attorneys are appointed to conduct civil and criminal cases for the parties concerned in any case. The attorney-general represents and appears for the people in the supreme court and other courts; the city attorney, in the municipal court; the county attorney, in the district and lower courts.

48. Trial by Jury.—The county commissioners furnish the clerk of the district court with a list of names from which he chooses jurors. Persons selected as jurors must serve, unless excused by the judge.¹ Jurors and witnesses are entitled to pay for their time; they also receive mileage. There are two regular kinds of juries — a grand jury and a petit jury. The grand jury consists of not less than 16 nor more than 23 men. It is the accusing body in criminal action.² The petit jury, twelve men, is the trial jury in both criminal and civil cases, except in justices' courts.

49. Miscellaneous.—(1) A *Court Commissioner* is elected in each county for a term of four years. His salary is paid by fees and his powers are the same as a district judge-at-chambers. He may, under certain cir-

¹ All persons that are qualified electors of the state are competent to serve as both grand and petit jurors unless exempted by law.

² An accused person may also be brought before the court for trial on an information of the county attorney if he wishes to plead guilty before the judge, and then receive sentence; but this can only be done if the punishment is not more than five years in either the penitentiary or reformatory. On trial by jury and the difference between criminal and civil cases see Fradenburgh's "American Civics," p. 80, or Thorpe's "Course in Civil Government," Chap. XII.

cumstances act as judge of probate. (2) *Notaries Public* perform a great deal of business for the courts in administering oaths, taking and certifying depositions, acknowledgments etc. (3) There is provision for a *trial by referees*. The referees may be one or more electors, but not more than three. They are paid out of the state treasury on the order of the district judge under whose direction they act. There is reference, *by consent*, in any civil action, except divorce action, upon agreement of the parties to the action. There may be *compulsory reference* when the parties to an action can not agree and either of them requests trial by referees, or on the order of the judge if the press of business demands such reference. The work of the referees by compulsion is to examine long accounts. In either case of reference the findings of the referees must be reviewed by the judge. (4) *Arbitration* is provided for the settlement of differences arising between employers and employés and in some other civil matters. Provision is made for a state and also for local boards of arbitration or conciliation. (5) *Trial by Impeachment* is provided for in the constitution.¹ (6) A *Special Board* for making a recommendation for the settlement of accounts due the state, if the strict enforcement of a demand for money or other property would work a hardship, is provided. The attorney-general reports the matter to the governor, who appoints two justices of the supreme court to act with the attorney-general in the matter. The report of this special board is filed with the governor and the attorney-general makes settlement on the basis of the report.

¹ Art IV., Sect. 14. See also Art. XIII. For Miscellaneous provisions touching the judiciary see Art. IV., Sects. 4, 7, 9, 10, 11 and 14.

STUDIES ON THE GOVERNMENT OF THE STATE.

THE LEGISLATIVE DEPARTMENT.

1. How is a law proved unconstitutional?
2. To what committee would a bill providing for the support of the state normal schools be referred?
3. What is the "enacting clause" of a bill?
4. In how many ways may a bill become a law?
5. Why have two houses in the legislature?
6. When does the Senate become administrative in its functions?

THE EXECUTIVE DEPARTMENT.

1. To whom is the governor accountable?
2. Where does he render his account?
3. How is the appointing power controlled?
4. What are the privileges of the lieutenant-governor in the Senate?
5. Index the constitution, showing all references to the executive.
6. Name the state offices; the general administrative boards.
7. Make a list of all institutions supported by the state. Give some reason for the existence of each.
8. Why is the militia a part of the executive?

THE JUDICIAL DEPARTMENT.

1. Why have long terms for judges?
2. Should a judge be elected or appointed? Why?
3. Why should the higher court issue the writ of error?
4. Should or should not a verdict be rendered by a majority of a petit jury? Give your reasons.
5. What is meant by *jurisdiction*? By *habeas corpus*?



City Hall, Minneapolis.

CHAPTER IV.

LOCAL GOVERNMENT.

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50. Local Government is the administration and control of the public affairs of the county, the city, the town, and the school district, in the preservation of the peace, the administration of justice, the construction of roads and bridges, the maintenance of common schools, the care of the poor, the assessment of property, the collection of taxes, sanitation, protection from fire, water supply, etc. For the purpose of local government the state is divided into counties, townships, and school districts, and certain communities are organized as villages and

cities. These various subdivisions constitute political corporations which derive their powers from the constitution and from laws passed by the legislature.

THE COUNTY.

51. The County.—The state of Minnesota is divided into eighty-three counties. New counties may be created by the legislature, but no part of any county may be added to an adjoining county without submitting the question to the qualified electors of the county whose territory it is proposed to reduce, and receiving the approval of the majority of the electors.¹ Each county is a corporation empowered to sue and to be sued, to purchase, hold and convey real and personal property, and to exercise such other powers as may be conferred by law.

52. The County Officers are the commissioners, the auditor, the treasurer, the register of deeds, the sheriff, the county attorney, the judge of probate,² the court commissioner, the surveyor, the coroner, the clerk of the district court, the superintendent of schools, the physician, and the over-seer of the poor.³

Most of the officers are required to keep their offices at the county-seat, a town selected temporarily by the legislature when the county is organized, and afterward

¹ A new county must contain not less than four hundred square miles. It must also contain not less than 2,000 inhabitants. See Art. XI.

² The duties of the probate judge, clerks of the courts, justices of the peace and constables are described in Chap. III., the Judicial Department.

³ All these officers are elective except the physician, and the over-seer of the poor, who are appointed by the commissioners. They serve for two years, except the commissioners, the court commissioner, and the clerk of the district court who serve four years.

permanently by a popular vote of the people, either on account of its importance or its favorable location.

53. The Board of County Commissioners consists of from five to seven members. Each county is divided into as many commissioners' districts as there are commissioners in the county. Each district is represented by one commissioner, who must be a resident and an elector of the district in which he is elected. The commissioners are elected by the voters of their respective districts and from the different districts in turn.

The commissioners have charge of all buildings belonging to the county; levy the county tax; examine and adjust claims against the county; furnish lists of jurors for the district court; appoint judges of elections; superintend the registration of voters; appoint persons to minor county offices and fill vacancies in county and precinct offices, except that of county commissioner; divide the county into election precincts; have supervision of the county roads; care for the poor; organize towns and townships; re-establish section posts; organize and change the boundaries of school districts; examine the accounts of the auditor and treasurer, and make an annual statement for publication, and in general have the management of all county business for which no other provision is made by law.¹

54. The Auditor attends the sessions and keeps a record of the proceedings of the county commissioners; countersigns all orders for the payment of money approved by the board; keeps an account of receipts and expenditures of the county and all accounts of the county

¹ At the first meeting of the commissioners after the annual election, the board elects one of its number as chairman who presides at the meetings of the board and signs all county warrants and bonds. The commissioners receive compensation according to the property valuation of the county; and mileage.

with other officers; prepares the official ballots for general elections; prepares an annual statement of the county finances; estimates the taxes of the county for each person and furnishes these lists to the county treasurer for use in the collection of the taxes; his books must check with those of the treasurer at all times.

55. The Treasurer collects the taxes and receives all other money paid to the county, and pays county orders or warrants issued by the county commissioners. He gives duplicate receipts for all money received and one of these must be deposited with the auditor. Three times a year, without previous notice, his books are examined by a board of county auditors, consisting of the chairman of the board of county commissioners, the auditor and the clerk of the district court. He is forbidden by law to speculate in orders, warrants, or with county bonds.

56. The Register of Deeds.—All deeds, mortgages, and many other papers are by law required to be recorded in the office of the county register of deeds. He registers the description and brands used for cattle, horses, sheep and hogs, and is required to make abstracts of titles to real estate. So important are the accuracy and exactness of the record, that the law requires the register to endorse on every document recorded in his office the date, the hour, and the minute of its entry on his books, and also the number and page of the book in which the record is made.

57. The Sheriff is the executive officer of the county and of its courts of record. He appoints as many deputies as may be necessary to assist him in the discharge of his duties; he attends the drawing of jurors and summons them when drawn; he has custody of the county-jail and is responsible for the safe-keeping of prisoners. It is his duty to preserve the peace, and for this purpose, in case of a riot, he may call to his aid as many persons as may be necessary. The persons summoned constitute a *posse com-*

itatus (literally, power of the county) or, more briefly, a *posse*. If the *posse* is not able to quell the disturbance, the sheriff may apply to the governor, who may send the entire national guard of the state to the aid of the sheriff, and if necessary may apply to the President, who may in that case employ the armed forces of the United States for the maintenance of the laws of the state.

58. The County Attorney is the legal prosecutor and adviser in his county. He appears in all cases where the county is a party; gives opinions and advice to the commissioners and other county officers upon request; attends all terms of the district court in his county, all other courts having criminal jurisdiction, and all preliminary examinations of criminals; appears before the grand jury upon request and examines witnesses in their presence; draws all presentments and indictments of the grand jury and carries them to their final determination before the district court; appears for the state in his own county upon the request of the attorney-general; receives reports touching criminal matters from justices of the peace and the clerks of criminal courts, and in turn reports all criminal cases to the attorney-general.

59. The Coroner.—The principal duty of the coroner is to hold an inquest upon the body of any person who may have met with a violent death, or who, it is believed, has died by unlawful means. When the coroner is notified of such a case, he immediately summons six citizens of the county to act as a jury. If the jury finds that a crime has been committed they name the person whom they believe to have committed it; the accused person may be arrested on the warrant of the coroner, and the witnesses testifying before him may be bound over to testify in court. In case of the death of the sheriff or of his removal from office, or disability, the coroner acts as sheriff until another sheriff is chosen or the disability is removed.

60. The County Surveyor is elected to secure accuracy in the construction of roads and bridges, and in the survey of land.

61. The County Superintendent of Schools has general supervision of the public schools in the county, except in special and independent districts. He is required to visit the schools in the county at least once during each year, and to give such directions and suggestions as to the course of study and general management as the interests of the schools seem to require. He holds examinations for teachers' certificates usually in February and August, and forwards the papers to the state superintendent. He may issue teachers' certificates, good only for designated districts until the next regular examination. He examines and corrects the books required to be kept by the officers of the school district, organizes teachers' institutes, assists in the management of the district summer training schools, and makes an annual report of the condition of the schools to the state superintendent of public instruction.¹

The other county officers are appointed by the county commissioners.

THE TOWN.

62. The Township.—The congressional township is an area of land six miles square. The civil or political unit called the town or township has been built upon this geographical unit in Minnesota.

To have a successful township form of government the following conditions are necessary:

(1) Dense population, with sufficient wealth to maintain local government in addition to supporting the higher units of government.

¹ See Kiehle's "Education in Minnesota," p. 44.

(2) People having somewhat similar ideas in relation to local government.

(3) People having permanent residences, thus creating a strong attachment for local or home institutions.

(4) Convenient and easily accessible areas of land for establishing local government. The square is the most convenient form.

(5) Only comparatively small tracts of land should be owned or occupied by each family.

63. Organization.—To convert the congressional township into a political unit the action of both the voters and the county commissioners is necessary. The proposed new town must contain at least twenty-five legal voters. When a majority of these petition the county commissioners to be organized as a town the commissioners fix the boundaries. A full report is made to the county auditor.

64. The Town Meeting is a pure democracy in many respects, and has been a great political educator in our country's history.

The annual town meeting is held on the second Tuesday in March. Special town meetings may be held when the supervisors, justices and clerk, or any two of them, with at least twelve other free holders file a petition for such meeting with the clerk.

At the annual town meeting there are elected three supervisors, one clerk, one treasurer, one assessor, two justices of the peace, two constables, and one over-seer of roads for each road district.¹

At this meeting the electors also provide for pounds and pound-masters; direct the defense in all controversies to which the town may be a party; make rules regarding fences and the impounding of animals; impose penalties

¹ These officers are chosen for one year except the justices and constables, who serve two years; and the supervisors who serve three years.

for the infraction of the rules of the town, except in cases provided for by law; raise money for all legitimate town purposes.

65. Duties of Town Officers.—The supervisors are to the town what the commissioners are to the county, their duties being chiefly executive. Business not delegated to other town officers is performed by the supervisors. They act as a board of fence viewers, of health, and of auditors. They draw money orders against the town, direct the legal actions of the town, and act as judges of election.

The duties of the justices of the peace and the constables are described in Chapter III. The titles indicate the duties of the other town officers.

THE MUNICIPALITY.

66. A Municipality is an aggregation of people living in close contact, within a comparatively small territory. The necessarily intimate relations of individuals within a municipality give rise to special needs not felt by people scattered over a larger area.

THE VILLAGE.

67. Incorporation.—Any district, section or parts of sections not already in any incorporated village, which have been platted into lots and blocks, and the plats have been filed with the register of deeds, may become incorporated as a village provided there is a resident population of not more than three hundred, nor less than two hundred people. When twenty-five resident voters file a petition with the county commissioner an election is held to determine the question of incorporation. If the result is favorable the commissioners file the certificate of election, and the petition with the county auditor, and he reports

the matter to the secretary of state. This completes the incorporation.

68. Village Officers.—The organization of the village is complete when the village officers are elected. The officers are the president, three trustees, a treasurer, a clerk, two justices of the peace, and a constable. The justices and constable serve two years, the other officers one year.¹

The village council is composed of the president, the three trustees, and the clerk.

Under the restriction of the general law the council makes ordinances for the government of the village. The council appoints a street commissioner, village attorney, pound master and fire wardens. It may establish a fire department, and a board of health; regulate the laying out and the use of streets; set out trees; maintain libraries; restrain animals; regulate amusements, and the use of wells; issue licenses and provide for taxes.

In 1896, the constitution of the state was so amended as to give every incorporated place of at least a thousand people the right to make its own charter within certain restrictions laid down in the general laws of the state.²

THE CITY.

69. The Charter.—There are two methods of receiving a city charter. The first method is where the people make their own charter. The initiative may be taken in two different ways, either by the judge or judges of the district court who appoint commissioners on their own motion or on the request of ten per cent of the legal voters. The charter board consists of fifteen free holders, who are at the

¹ There is an assessor if the village is a separate election district.

² See McVey's "The Government of Minnesota," pp. 73-76. Also Constitution of Minnesota, Art. IV., Sect. 36.

time voters in the city and, have been such for the past five years. These persons serve for four years and must submit a prepared charter to the mayor for a vote of the people within six months. If the charter is accepted by four-sevenths of the qualified voters, voting at such election, it becomes the charter of the city within thirty days.

The second method of receiving a charter is to incorporate under the general law of 1895. This is done by a petition to the county commissioners, and a favorable vote of the people.¹

70. City Officers.— (1) *The Council* is based on the number of wards. When the council is organized it prescribes rules for its own guidance; fixes a time for its regular meeting and provides for the calling of special meetings. A city council is similar to a state legislature in its methods of work. The laws passed are called ordinances, and must be in harmony with the city charter. The council elects a city clerk, attorney, engineer, and some other officers.

(2) *The mayor* is the chief executive officer of the city. He is to enforce the laws of the state and the ordinances within the city. He has a general oversight of all the other city officers. He informs the city council from time to time concerning the affairs of the city, recommends measures and has the veto power. The mayor appoints many officers and is usually a member *ex-officio* of the various city boards of which there are a great

¹The Constitution was amended in 1898, dividing cities into four classes, as follows: (1) over 50,000; (2) 50,000 and not less than 20,000; (3) 20,000 and not less than 10,000; (4) 10,000 or less. Art. IV., Sect. 36.

There are a number of general restrictions even when the city forms its own charter. See Revised Laws of Minnesota 1905, Sects. 748-758.

many to carry forward special lines of work as parks, public works,¹ etc.

THE SCHOOL DISTRICT.

71. The School District is the smallest civil division of the state. The county is divided, by the action of the people and by the county commissioners, into school districts independent of each other. Each district has its own school, which it may manage in its own way. It is designated as school district number —, — county (the name of the county in which the district is located), State of Minnesota.

There are three kinds of school districts: (1) the common or rural, under the supervision of the county superintendent and a board of three members; (2) the independent, under the supervision of a board of six members and a superintendent whom it selects; (3) the special, in large centers of population, under the supervision of a board of six or more members, and a superintendent.

72. The Annual School Meeting is held in each district on the third Saturday in July at the school house belonging to the district. Special meetings may be called when necessary. All persons having the qualifications of electors may attend and vote at the meeting. In common districts the voters, when assembled, may fix a site for each school house; order a tax on taxable property; provide for hiring teachers, and for furnishing fuel and text books; and transact such other business as tends to promote the interests of the schools.² The school meet-

¹ The cities of Minneapolis, St. Paul and Duluth have very elaborate systems of government. For a brief description see McVey's "The Government of Minnesota," p. 83.

² Usually the management of the schools is left to the discretion of the school board.

ing, it will be seen, constitutes almost a pure democracy, like the town meeting. It is another instance in the government of this state in which the people meet and make laws directly, instead of through their representatives.

73. School Directors are elected in the various school districts for a term of three years. The officers of the board are, a president, a clerk and a treasurer.

STUDIES ON LOCAL GOVERNMENT.

THE COUNTY.

Make a list of officers showing the following:

- | | |
|----------------|-----------------------|
| 1. How chosen. | 3. Terms of service. |
| 2. Number. | 4. Powers and duties. |

THE TOWN.

1. What are the best conditions for town government?
2. Should a new community institute town government as well as the other units of government at the beginning? Why?
3. What can you say of the town as a political educator?

MUNICIPAL GOVERNMENT.

1. Why should the question of the incorporation of a village be submitted to popular vote?
2. What evils may result from allowing the council to share in the appointing power?
3. Why should showmen be required to procure a license in cities?
4. What is the meaning of *municipal*?

THE SCHOOL DISTRICT.

1. State the duties of district officers.
2. Why should the school district be governed by local officers?
3. Is the government of the school district centralized?

CHAPTER V.

PUBLIC REVENUE.

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74. Sources of Income.—The expenses of state and local government are paid almost wholly by means of taxes. Taxes are contributions imposed upon individuals and upon corporations, in other words, upon property, business and persons, for the support of the government and for other public purposes. By far the most important tax is that which is levied upon property. The law requires that all property, real ¹ and personal, not expressly exempt, shall be subject to taxation. In addition to the general property tax, several other taxes are authorized by law. Licenses are taxes imposed upon persons engaging in special kinds of business, and hence are called occupation taxes. There is a tax of four per cent of the gross earnings of railroad, express, insurance, sleeping-car, telegraph, and telephone companies; but this tax relieves these companies from all other taxes. It is lawful to levy a poll tax on each voter in municipalities; also a tax of from one to four days' work on the roads may be required by the town supervisors, of male inhabitants between the ages of 21 and 50 years unless exempt. There

¹ Real property or real estate includes land and all things directly connected with land, such as buildings, improvements upon land, mines, quarries, and the like. Personal property includes movable articles of every description, such as money, notes, bonds, mortgages, shares in corporations, etc.

is a provision for a graduated tax on inheritances. A tax of three cents per net ton on all registered tonnage carried by steam vessels, barges, boats, or other water craft is levied on all such vessels hailing from any port of this state.

In addition to receipts from taxation, there are several other sources of revenue to the state, the most important of which are the interest on the public school income fund and the receipts from the sale and rentals on lands given to the state for various purposes by the United States government. Fees are charges made by state or local officers for particular services rendered to individuals. The amount that may be charged is fixed by law. The income that is derived from this source is considerable. Fees also include court costs. Some revenue is derived from escheats¹ and fines.

75. The Assessment of Property.—The property in the state is valued by persons called assessors. They are elected by the voters in the townships and are appointed by the council or elected by the voters in municipalities as the charter directs. The county auditor furnishes all necessary blanks and books, and on the last Thursday in April, meets the assessors and gives them instructions for their work. The assessors do their valuing of property during the months of May and June. In even-numbered years real and personal property is listed; in odd-numbered years personal property only is assessed. The gross earnings are reported to the state auditor by the corporations concerned.

The law requires that all property shall be assessed at its actual value, but usually it is assessed at much less

¹ When a person dies leaving property, not having made a will and having no heirs to inherit the property, the state becomes the heir, and the property escheats to the state—that is, it becomes the property of the state.

than its real value. Public policy requires that certain forms of property be exempted from taxation. Among these exemptions may be mentioned all public property belonging either to the United States or the state, or any of its sub-divisions, property used for educational, religious or charitable purposes, fire engines, cemeteries, public market houses, and public squares. Personal property to the amount of \$100.00 for each individual taxed is exempt. A member of the national guard has an exemption of \$200.

76. Review and Equalization of Assessment.— There are many complaints in regard to assessments. These grievances are passed upon and equalization made: (1) On the fourth Monday in June after ten days' notice the town board, consisting of the supervisors; and the assessor, recorder and president of each village; and the assessor, recorder, and mayor of each city, unless otherwise provided for by law, meet at the office of the town clerk or recorder to review the assessments and alter valuations as these respective boards may see fit. Aggrieved persons may appear before the board. When the board has finished its work the assessors make a sworn statement to the county auditor. The auditor examines the work and makes corrections of mistakes, if any appear. (2) The next board to pass upon assessments consists of the county commissioners and the county auditor. This board meets on the third Monday of July. (3) The final board consists of the governor, the state auditor, the attorney-general, and one elector for each judicial district in the state, and meets on the first Tuesday in September.

The state auditor sends to the various county auditors a report of the findings of the state board of equalization. The valuation of the property of the state by various local subdivisions being found, the next step is to determine the rate of taxation.

The state tax is levied by the state legislature; the county tax by the county commissioners; the municipal tax by the council;¹ the town tax by the town meeting; the district tax by the school district meeting or the school board, as the case may be. The amounts of money needed by each of these divisions must be reported to the county auditor by the tenth day of October in each year. The county auditor now knowing the total valuation of property, and the amount needed by each unit estimates the rate of taxation and determines the amount of taxes payable by each person and corporation, and sets down the amounts opposite the names in the tax roll. This work must be completed and the tax roll delivered to the county treasurer the first Monday of January.

77. Collection of Taxes.— Taxes are collected by two agencies — the state treasurer and the county treasurer. The state treasurer collects the gross earnings tax. The corporations that are required to pay this tax must report their gross earnings by February first, and the tax is due on the first of March. If the taxes are not paid when due, the state treasurer is authorized to add a penalty of twenty-five per cent.

All other taxes are paid to the county treasurer, except fines imposed by a justice of the peace in a city.

¹ The tax levy for Mankato stood as follows for 1904:

	MILLS.
General state tax.....	1.50
General school tax.....	1.00
State school tax.....	1.23
County tax.....	3.00
Poor tax.....	.67
Road and bridge tax.....	1.00
City tax.....	16.00
Special school tax.....	6.00
<hr/>	
Total	31.20

When the county treasurer receives the tax roll from the county auditor he notifies the tax payers either through the newspapers or by special notices sent through the mail. Taxes on real and personal property are due the first Monday in January. If the tax on personal property is not paid by March first, a penalty of ten per cent. is added. On the first of April, the treasurer makes and sends a list of the unpaid personal taxes to the clerk of the district court. This officer issues warrants to the county sheriff empowering him to seize the property and sell it at auction if the tax is not paid within ten days. The owner may redeem the property before it is sold by paying the tax, penalty and costs.

The tax on real estate may be paid in two equal installments. If the first half is not paid by June 1st, a penalty of ten per cent is added. If the second half is not paid by November 1st, a ten per cent penalty is added. If the whole tax is unpaid on January first, an additional penalty of five per cent is added. If tax and penalties are not paid by the second Monday in May the property is sold, and the judgment bears interest at one per cent a month. The owner of the property is given three years to redeem it. At the expiration of the three year period the county auditor notifies the owner of the property if in the county, or if not in the county publishes a statement in one of the county papers that the time limit has expired. If the owner of the delinquent property does not then come forward and pay the judgment, tax-titles or state deeds are given to the purchaser of the land.

The county treasurer, after collecting the taxes, reports to the county auditor. These reports are made on the last days of February, May and October. The county auditor makes a statement to the state auditor, and opens an account of the funds due to the state, county, cities, townships and school districts. The county treasurer pays

these various political units the sums due on the order of the county auditor.

78. Public Indebtedness.¹—The state and its various political divisions are authorized to borrow money on bonds, for the purpose of defraying extraordinary expenses and for making public improvements. Before bonds are issued the matter must be submitted to the electors and be approved by them. When issued, an annual tax must be levied to provide the means for paying the interest on the bonds and to create a fund for the payment of the bonds when they become due.

Warrants are sometimes issued for the running expenses of the government until the taxes are collected. They are issued by the officers of the state, county, city or school-district and bear interest from the date of registration until paid. It does not require a vote of the people to issue warrants.

STUDIES ON PUBLIC REVENUES.

1. Give the various steps in levying and paying taxes from the time the schedule paper is left at the house by the assessor, until the taxes are paid.

2. Should persons having no children pay taxes for the support of schools?

3. For what purposes are taxes raised in a city?

4. Mention a war caused by taxation.

5. For what purposes are state taxes levied?

6. Why should local taxes exceed state taxes?

7. How is a district school in Minnesota supported?
How many kinds of school taxes may be levied?

8. Can you find the total valuation of property in your school district? Township? City? County? State?

9. Is any tax paid on your school house?

¹ See Arts. IX, XI.

10. How does the assessed valuation of you home compare with its actual or market value?

11. What difference would it make in the rate, if it were assessed at its actual value?

CHAPTER VI.

PUBLIC EDUCATION.

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The constitution of the state says: "The stability of a republican form of government depending mainly upon the intelligence of the people it shall be the duty of the legislature to establish a general and uniform system of public schools."¹

An orderly plan for the development of the school system of Minnesota has been worked out in detail. Each part bears its proper relation to all the other parts.

ELEMENTARY AND SECONDARY EDUCATION.

79. Supervision.—The state superintendent of schools has general supervision of elementary and secondary education. His work intimately concerns these schools. It is effected through the examination of teachers, the work of teachers' institutes, training schools, reading circles, and educational lectures. He receives and publishes biennial reports of all the state educational institutions.²

The county superintendent of schools is responsible for the direct supervision of rural schools.

The board of school directors is entrusted by the people with the management of the schools in the school districts.³

¹ See Art. VIII., Sect. 1.

² See Sect. 36.

³ School districts are designated as: 1. common; 2. independent; 3. special.

The high school board consisting of the state superintendent, president of the state university, president of the board of directors for the state normal schools, a superintendent or principal of a state high school, and one other person has supervision of state schools, receiving special state aid. The work of this board is carried out by two salaried inspectors — one for high schools and the other for graded schools.

80. The School System.— The schools of the state are organized under the district system. A school district is a body corporate having authority within a definite territory. The school district in order to receive its share of the state school fund must maintain a school at least five months in each year.

81. Common or Rural Schools are under the supervision of the county superintendent of schools. He prepares the course of study which must include arithmetic, geography, history of the United States, English grammar, civil government, physiology and hygiene, with special reference to the effect of narcotics.

Pupils finishing the course as outlined are usually given a certificate by the county superintendent. The pupils from the rural schools may take the examinations offered by the examiner for the state high school board. Success in these examinations will admit the candidate to a state high school.

The consolidation of rural schools, now provided by law, promises to improve their work greatly.¹

82. The Graded and Semi-Graded Schools.— The village and city schools are under the general direction of the school boards, but under the immediate supervision of a principal or superintendent.

(1) *The kindergarten* was provided for by the legisla-

¹ For a discussion of this subject see Thirteenth Biennial Report of the state superintendent of public instruction p. 417.

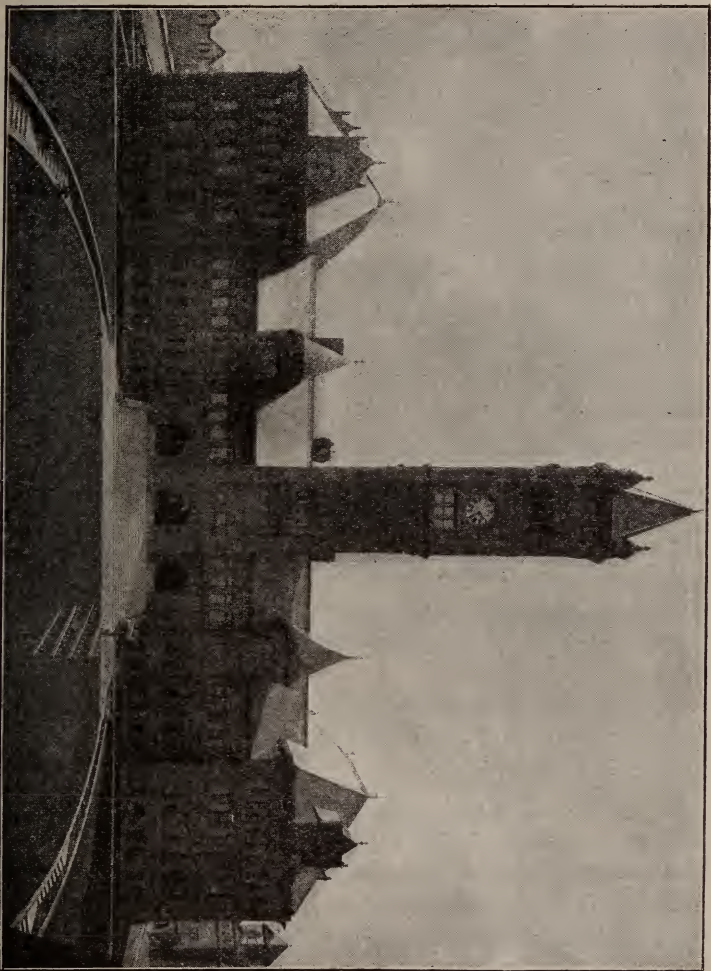
ture in 1901. Any school board in the state may establish a kindergarten in connection with the public schools of the district for the training of children between the ages of four and five years. These schools must be supported by a district tax or by donations. The kindergarten cannot share in the state school funds. The teachers in these schools must hold a teacher's certificate as provided by law.

(2) *The elementary school* embraces eight grades,¹ each grade usually requiring one year for completion. The instruction includes the subjects required by law, and in addition some elementary work in the natural sciences, gymnastics, singing and drawing. Some schools are introducing manual training.

The pupils pass from the eighth grade into the high school on the certificate of the examiner for the state high school board or on a regular promotion certificate.

83. The Secondary or High School embraces four grades, covering four years, and completes the work of the elementary school. There is no uniform course of study prescribed by the state. Each district formulates its own course of study; but considerable uniformity is secured through the work of the state high school inspector. The course of instruction in these schools furnishes the means for acquiring a fair general education, and meets the requirements for admission to the institutions of higher learning.

¹ A "graded school" often offers from one to two years of high school work. A "graded school" is one that has at least four departments in charge of a principal, holding a state professional or other high grade certificate, and that has at least nine months of school in the year and suitable equipment. A "semi-graded school" is one that has at least two departments in charge of proficient teachers, one of whom holds not less than a first grade certificate. The school must be maintained at least eight months each year, and have good equipment.



High School, Duluth

84. Compulsory Education.—The state requires every child between the ages of eight and eighteen to attend some school in which the common English branches are taught, unless excused by the school board for cause. School boards may appoint truant officers, maintain truant schools, and take the first steps to have incorrigible children sentenced to the state training school by the proper authority.

85. The Revenue for the support of the public schools is derived from state, county, and district sources.

(a) *The general or current* school fund is made up from state and county sources.

1. The state revenue for the general fund is derived from the proceeds of the public school investment fund;¹ from interest on the deferred payments of school lands; from proceeds arising from the lease of school lands; from escheats, gifts, the receipts from the sales of pine timber, mineral leases and royalties; and from a tax of one mill levied on all the taxable property of the state. This state fund is apportioned among the various counties once every six months by the superintendent of public instruction.

2. The county revenue for the general fund is derived mainly from a county tax of one mill, which the county commissioners are required to levy on all taxable property of the county. A considerable sum is realized from fines, penalties, forfeitures, and liquor licenses.

The general fund is apportioned by the county auditor at regular intervals among the various districts, in proportion to their school population that has attended school forty days, in a school that has maintained at least five months of school within the year.

(b) *Special school funds.*

1. *The school district tax.* This tax is levied by the

¹ This fund at present (1906) amounts to \$15,978,447.66.

school districts in common districts; and by the school boards in independent and special districts.¹

2. *Special state aid.* In addition to the funds already described the state gives annually, special aid as follows to schools that attain a prescribed standard of excellence:

(1) to each rural or common school that employs a teacher holding a second grade certificate, \$50.00; (2) to each rural school that employs a teacher holding a first grade certificate, \$125.00; (3) to each semi-graded school of two or three departments, \$250.00; (4) to each graded school of four or more departments, \$550.00; (5) to each high school \$1,500.00 with an additional \$750.00 to a high school that provides special normal instruction in the common branches.

3. *Special state aid for miscellaneous purposes.* The state appropriates annually the sum of \$15,000 for the establishment and maintenance of school libraries. The state will aid any school district towards the purchase of a library to the amount of \$20.00, on the first order for each building, and \$10.00 annually thereafter, provided that the district raises a like amount and purchases the books from the state contractor and orders from the list prepared by the state library board. The state also appropriates \$5,000 annually to provide for traveling libraries to circulate in the state. A large annual appropriation is made for teachers' training schools. The state assists in a somewhat different phase of educational work by appropriating \$10,000 for the support of farmers' institutes. These are to disseminate practical knowledge upon such subjects as agriculture, horticulture, stock and dairy farming.

86. Licensing of Teachers.—A person holding a certificate, granted by lawful authority, is legally qualified to teach in the public schools of the state.

¹ The limit of special tax by each district is regulated by law.

(a) *Kinds and value of certificates.*

1. *State Professional Certificates* are of two kinds, first and second grade, and are valid in any public school in the state so long as the holder is engaged in educational work, but are void three years after he ceases such work, unless renewed by the state superintendent.

2. *The State Certificates* are of two kinds, first and second grade. The first grade is valid for five years in any public school in the state, except high schools; but a board of education in either a special or an independent district may decline to honor either the first or second grade state certificate. The second grade is valid for two years only in the county in which issued; but it may be endorsed and thus made valid in another county by the county superintendent of schools.

3. *County Certificates* may be issued by the county superintendent under certain circumstances. The county superintendent may issue a limited second grade certificate, good for one year, to an inexperienced person seventeen years of age if he has passed the examination; a third grade, good for one year in a designated district, and subject to one renewal in the same county; he may issue a certificate of any grade for a designated district once, good until the next examination, to persons who were unable to attend the previous examination.

4. *Diplomas as Certificates.* The holder of a state first grade certificate under which he has taught successfully one year is entitled to a state professional certificate without examination, if he holds the diploma of a college or university of good standing. Certificates of graduation in the department of pedagogy in the state university, and diplomas of the state normal schools have the force of first grade certificates for two years. The certificates of the department of pedagogy in the state university, and the diplomas of either the English, the Latin, the advanced graduate course, or the kindergarten course of

the state normals become life certificates, if endorsed by the state superintendent, and the president of the school issuing them, if the holders have taught successfully two years after graduation. The holder of a diploma from the elementary course, or the elementary graduate course of a state normal, may, on the endorsement of the same persons, receive first grade certificates for five years. These may be extended by reendorsement.

5. *Miscellaneous.* The state superintendent may grant professional permits good for one year, to teachers who lack not more than three of the branches required for a professional certificate. He may grant special certificates to teach music, drawing, any specified language or any other special subject in any high or graded school to persons passing a satisfactory examination in the branches required for a second grade certificate, and such special subjects as the applicant proposes to teach. The state superintendent may issue certificates without an examination to persons that have taught in the public schools of the state, for at least five years, and that comply with certain legal requirements.

A county or city superintendent, as the case may be, has the power to revoke any certificate for good cause, but the teacher may appeal from such decision to the state superintendent of public instruction.

(b) *Examinations.* The examinations for the state professional certificates are conducted by a board of three, appointed by the state superintendent. Those are held twice a year, in August at the state university; and at the capitol during the Christmas holidays. The examinations for the state certificates are held usually in February and August, by the county superintendents in the various counties of the state. The questions are prepared and the papers marked under the direction of the state superintendent. The marks in professional ability and moral character are furnished by the county superintendent of

schools, and the certificates are signed by the state superintendent of public instruction, and the county superintendent of schools.

87. Special Schools¹ are maintained by the state for the unfortunate, vagrant, and criminal classes. These schools stand outside the regular school system of the state. They are not asylums, but are well equipped schools with faculties of highly trained specialists.

HIGHER AND PROFESSIONAL EDUCATION.

The state institutions for higher and professional education in Minnesota, include the five state normal schools, and crowning the entire system, the state university.

These institutions of higher learning are as much a part of the educational system as are the common schools. No system of education is complete which stops with the mere rudimentary elements of learning.

88. The State Normal Schools in the order of their establishment are as follows: (1) Winona, 1860; (2) Mankato, 1868; (3) St. Cloud, 1869; (4) Moorhead, 1888; (5) Duluth, 1902.

The aim of the state normal schools is to reduce teaching to a science in the professional training of teachers. The courses embrace academic subjects, and theoretical and practical pedagogy.²

The courses³ offered include:

(1) an English course of five years; (2) a Latin

¹ See Sects. 94, 96, 100.

² Teachers' institutes are held in some counties for one week. During the summer, teachers' training schools are held for either four or six weeks. These tend to professionalize the work of teaching.

³ For the value of the diploma awarded for each of these courses see Sect. 86. Tuition is free, except in the kindergarten course, to any person pledging himself to teach two years in the state after graduation.



State University, Minneapolis

course of five years; (3) an advanced graduate course of two years; (4) an elementary graduate course of one year; (5) a kindergarten training course of two years; (6) and an elementary course of three years. The courses numbered three, four and five are for high school or college graduates.

An elementary school or training department is maintained in connection with each state normal school.

89. The State University is located at Minneapolis. Its history is co-extensive with that of the state.¹

The university has brought itself into close relation with the public high and elementary schools of the state through the work of the inspector of high schools and the system of accrediting schools. In this way pupils in the various public schools look forward to a university course as their ultimate educational goal.

90. Control and Maintenance of Higher State Schools.—The state normal schools are managed by a board of nine directors, and the state university by a board of regents consisting of twelve members.

The state normal schools are supported by appropriations made by the state legislature. The state university is supported by (1) funds arising from the gifts of the United States government; (2) the 23-100 mill tax on the property of the state, and by deficiency appropriations made by the state from time to time; (3) fees and miscellaneous sources of income.²

The people of Minnesota are noted for their deep interest in education. In most instances they tax themselves liberally for the support of the schools.³

¹ The usual academic degrees are granted by the university.

² Either an incidental fee or a regular tuition fee is charged students. The fee charged is based on which course is taken and on whether the student is a resident or a non-resident of the state.

³ There are several sectarian institutions of higher learning in

STUDIES ON PUBLIC EDUCATION.

1. Index the constitution, showing all references to educational affairs.
2. What was the origin of school lands?
3. How much land was given by congress to the state university?
4. From what sources are funds for the public schools derived?
5. What is the object of granting a diploma?
6. Why does the state provide for public schools?
7. Are you in favor of an educational qualification for voters?
8. Give the date of the annual school meeting in the school districts.
9. On what basis are the state school funds apportioned among the school districts?
10. What is meant by "free text-books"?
11. How many people of school age are there in your district? How many attended school last year? What did the school of your district cost last year? How much of this money was spent for you? How much did it cost to provide you one day's schooling?
12. What is the value of school property in your district; in your county; in the state?

Minnesota, that confer degrees. The most notable of these are: Hamline University (Methodist Episcopal); Carlton College (Congregational); McAlister College (Presbyterian); Gustavus Adolphus (Swedish Lutheran); St. Olaf (Norwegian Lutheran); St. Thomas (Roman Catholic).

CHAPTER VII.

BENEVOLENT, PENAL AND REFORMATORY INSTITUTIONS.

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91. Classes.—It is characteristic of highly developed civilization that the state interests itself in the weak members of its society; endeavors to improve the condition of the defective and dependent; and enforces the laws against the lawless. The state must constantly care for the following classes:

- (1) The defective.
- (2) The dependent.
- (3) The delinquent.

BENEVOLENT INSTITUTIONS.

92. The Defective Class includes the insane, the blind, the deaf and dumb, and the feeble-minded. For all these Minnesota makes liberal provision.

93. Insane Defectives.—The insane may be divided into two classes; those needing special treatment, and those needing only care and oversight. For the latter the law provides conservatorship, which is secured through the probate court. If the court and board of examiners decide that a person needs special treatment, application is made to the superintendent of the insane hospitals or asylums for the admission of the afflicted person.

The state hospitals for the insane were located and opened as follows: (1) at St. Peter, 1866; (2) at Rochester, 1879; (3) at Fergus Falls, 1890. The state

asylums were located and opened as follows: (1) at Anoka, 1900; (2) at Hastings, 1900.¹

94. Schools for Sane Defectives.—There are three state schools for defectives, located at Faribault: (1) school for the deaf and dumb; (2) for the blind; (3) for the feeble-minded.² These schools were originally one, which was opened in 1863. The different institutions are under separate superintendents and highly trained faculties. These schools are practically free.

95. The Dependent Class.—The liability for the support or care of the poor falls first upon the relatives of such persons, and then upon the public. Poor relief is either administered by (1) the county or (2) the town, city, or village. The first is called the county system, and the second the town. The county commissioners are superintendents of the poor in their county. They have power to purchase and maintain a poor house or poor farm, and an infirmary.

In the counties that have the town system of poor relief, the town boards in the towns, and the councils in cities and villages are superintendents of the poor.

When relief is complete or the persons are housed, clothed, fed, and cared for, the method is called *indoor relief*; when the aid is partial and temporary, and the person is allowed to remain in his usual abode the help is called *out door relief*.

If a pauper dies within a county of this state, the county commissioners order a decent burial to be given such person at the expense of the county.

96. State Institutions for Dependents.—The state maintains three institutions for the dependent classes.

1. *The State Public School* is situated at Owatonna, and

¹ In 1904, there were 3935 patients in the state institutions for the insane.

² In 1904 there were 1228 pupils in these schools.

was opened in 1886. The purpose of the school is to furnish a temporary home for dependent and neglected children, and provide them with proper and permanent homes, and to see that the children receive proper schooling, both in the school and in the homes to which they are assigned. Girls over one and under fifteen, and boys over one and under sixteen may be admitted on complaint of the county board of commissioners and a proper finding of the probate judge. A few children are admitted from the district and municipal courts in which parents or guardians are prosecuted for ill treatment of their children and are found to be improper guardians of them.

2. *The Sanatorium for Consumptives* was definitely established by act of the legislature in 1903. A site has been purchased near Walker, on Leech Lake. Only persons who have resided in the state throughout the year preceding application, and who are afflicted with incipient pulmonary tuberculosis are received. A careful examination of the applicant is made by a board of physicians. When an applicant is unable to pay the charges fixed by the advisory commission of the institution the charges are paid by the county from which he comes.

3. *The State Soldiers' Home* was located (1887) at Minnehaha Falls on a tract of wooded land donated to the state by the city of Minneapolis. The home is for honorably discharged soldiers, sailors and marines of the United States who served in the Mexican war, the Civil War, or the Spanish war, and for persons who actually served in any campaign against the Indians in 1862. No person is admitted unless he has been a resident of the state the year preceding the date of his application, and is without adequate means of support.

The board of trustees is authorized by law to admit wives with their husbands, and the widows or mothers, of those who are, or if living would be, eligible for admission.

The burial of indigent soldiers may be paid by the state. This work of gratitude to the men who preserved the nation is among the most worthy that has been undertaken by the state.

PENAL AND REFORMATORY INSTITUTIONS.

97. The Delinquent Class includes vagabonds, incorrigibles and criminals. Persons convicted of crimes or misdemeanors are detained or imprisoned either in the city prisons, county jails, the state training school, state reformatory, or state penitentiary.

98. City Prisons are managed by the city authorities and are used only for the detention and punishment of those violating the city ordinances. In many counties of the state the cities use the county jails under certain regulations.

99. A County Jail is provided in the different counties of the state. The county sheriff has charge of the jail and the prisoners. The counties do not provide sufficient employment for the prisoners so that in most cases the prisoners are compelled to lead an idle life, a condition of affairs which has led many competent prison inspectors to say, "The county and the city jails are common schools of crime and vice."

100. The State Training School for Boys and Girls was established at St. Paul in 1866, but was moved to Red Wing in 1895. Justice and municipal courts have authority to commit youthful offenders who are between the ages of eight and seventeen; but the commitment of the justice of the peace is not final until approved by the judge of the district court. Children are committed for vagrancy, incorrigibility, and minor offenses until they are twenty-one years of age, unless they are sooner discharged or bound out to some suitable person by the board of control. The boys and girls are required to do the work

about the institution. They are educated in the common branches, and in addition to this the boys are taught a trade, while the girls are trained in domestic industries.

The law contemplates that this institution shall be a school or reformatory rather than a juvenile prison.¹

101. The State Reformatory was established at St. Cloud in 1887. Young men between the ages of sixteen and thirty, committed for the first offense, are sent there for reformation. The sentences are for an indefinite time, but must not be for a longer term than would have been imposed had the convict been sentenced to the penitentiary. The discipline and general management are similar to those of the penitentiary. The inmates are taught a trade, are instructed in the common branches if they are deficient in these, and are paroled whenever such a course seems best and proper employment can be secured. Several industries are carried on in the institution.

102. The State Penitentiary is located at Stillwater, and was the second institution established after the organization of the territory. The punishment in this institution consists of the hard labor required of each convict, and the silence he is compelled to maintain. Prisoners may reduce their sentences and also be paroled by good behavior.

A night school, a Chautauqua society, a good library, a prison paper, a brass band, an orchestra, and religious services are maintained for the benefit of the convicts. The state derives considerable revenue from the manufacture of shoes and binding twine in the state prison.

When a convict is discharged from the state prison he is given a good substantial suit of clothes and \$25.00 in

¹ January 1, 1905, there were 298 boys and 83 girls in the institution. Besides these there were 569 boys and 60 girls on parole.

money by the state. The state board of pardons has power to grant paroles under conditions prescribed by law.

103. Supervisory Boards.—The state institutions described in this chapter are all under the direction of the state board of control, except schools for the deaf and dumb, and the blind. These two schools have separate boards appointed by the governor, with the consent of the Senate. The county and city institutions are maintained and supervised by the local authorities.

The state board of pardons has power to grant pardons, reprieves and to commute sentences to convicts. Paroled prisoners from either the reformatory or state prison are under the charge of state agents or overseers.

Neglect and revenge should not characterize our treatment of the three classes discussed. Their condition calls for conscientious, philanthropic treatment.

STUDIES ON BENEVOLENT, PENAL, AND REFORMATORY INSTITUTIONS.

1. Name the three classes that must be cared for by the state.
2. Do you believe the humane spirit is growing? Give reasons.
3. Will education solve the question of crime?
4. State your opinion in regard to the "indeterminate sentence."
5. What is meant by "police power"?
6. What are the objects in view when the state inflicts punishment?
7. Should the labor of convicts be brought into competition with the labor of honest persons?
8. How many inmates are there in the penitentiary at the present time?

CHAPTER VIII.

ELECTIONS.

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104. The Nomination of Candidates is quite as important as voting for them after they are selected or nominated.

1. *The Primary Election* as a method of nominating candidates was adopted and made compulsory in this state in 1899. The election is for party nominees and includes candidates for all elective offices, except (1) town, village, and state offices; (2) members of school, park, and library boards in cities having less than 100,000 inhabitants. The primary election is held in each elective district on Tuesday seven weeks before a regular general election, and in a city at least three weeks before the regular election. Fifteen days' notice of the election must be given. The day of the primary election is also the first day for the registration of voters.

At least twenty days before the primary election, any person eligible and desirous of having his name placed upon the primary ticket for any office in a district larger than a county, files an affidavit with the secretary of state and pays a fee of \$20.00; when the office is within a single county the affidavit is filed with the county auditor, and the fee is \$10.00. No fee is charged unless the office is a salaried one. The affidavit must state: (1) residence; (2) voting qualifications in the subdivision where he seeks the nomination; (3) name of his party; (4) office for which he desires to be a candidate.

The details of preparing, casting, counting, and canvassing the ballots, and declaring the result, are carefully regulated by law.

2. *Conventions* for the nomination of party candidates are used for those officers not provided for by the primary election law; but the law does not apply to elections in villages, towns, or school districts; nor do the requirements as to notice of delegate elections apply for candidates to be voted for at a special election. The delegates meet in convention and nominate candidates. The certificate of nomination of a candidate selected by a convention must be signed and sworn to by the presiding officer and secretary. The secretary immediately delivers the certificate of nomination to the officer charged with directing the printing of the ballots.

3. *Nomination by Certificate*.—Candidates for any office may be nominated by certificate. A certificate of nomination for any office must contain the name, residence, business, and address of the candidate, the party which he represents and the office for which he is nominated. The certificate of nomination must be signed by a legally designated number of voters.

105. The Ballots are designated as the (1) "white ballot" for the names of all candidates to be voted for throughout the state; (2) the "pink ballot" for constitutional and other questions to be voted upon throughout the state; (3) the "red ballot" for city elections; (4) the "blue ballot"¹ for all names and questions not printed on the other ballots. Certificates for the white ballot must be filed with the secretary of state by the fifth Saturday before the election; for the red ballot with the city clerk by the second Saturday before the election; for the blue ballot, with the county auditor by the third Tuesday

¹ Nos. 1 and 2 are prepared by the secretary of state; No. 3 by the city clerk, and No. 4 by the county auditor.

before the election. If his name appear upon the white ballot each candidate pays a fee of \$50.00; if upon the red ballot, for a city of 3,000 people, \$5.00 for less than 3,000, \$2.00; if upon the blue ballot, \$10.00 in case the candidate is to be voted for in one county only, otherwise \$20.00. If no compensation is provided by law for the office, or if the office be that of presidential elector no nomination fee is required. The size of the ballot and the arrangement of the printed names are all carefully regulated by law.

106. Elections.—All elections in this state, except school district elections and elections for United States senators, are held in accordance with the modified Australian ballot law passed by the legislature.¹

The regular elections for presidential electors, members of congress, state and county officers, members of the legislature, and district judge are held on the first Tuesday after the first Monday in November. The regular town and city election is held on the second Tuesday in March. Each town, each village that is separated from the town for election purposes and each city ward constitutes at least one election district, and contains as near as may be 400 male voters.

107. Election Officers.—For each voting precinct there are three judges² of election, representing at least two political parties. The town board in townships, and the council in villages having but one district, and this not connected with a township, act as election judges; the councils in other municipalities about one month before the election appoint three qualified electors in each dis-

¹ School district elections are held on the third Saturday in July.

² In cities of the first, second, and third classes one additional judge, and two additional clerks, known as ballot judges and clerks are appointed.

trict to act as judges. Each district has two clerks. The town and village clerks are *ex-officio* election clerks, the other clerks are appointed by the election judges from opposing political parties. No person is eligible as either judge or clerk of election unless he can read, write and speak the English language understandingly, nor if he is a candidate for any office. These judges have general supervision of the registration of voters, the polling-place, and ballot-box; declare the opening and closing of the polls; appoint clerks to assist them; and see that the election laws are complied with. At the close of the polls, they count the votes and certify the result to the proper officer. They have charge of the ballot-boxes and return them to the proper officers together with all ballots voted, those spoiled, and those unused.

108. Voters and Voting.—Voting is not a natural right, but is a privilege conferred by law. The constitution and statutes of Minnesota make the following persons voters: (1) all male citizens of the United States of specified age and residence qualifications; (2) persons of mixed white and Indian blood that have adopted the customs and habits of civilization; (3) civilized Indians, after an examination by the district court. By authority of the constitution, women may vote on all matters pertaining to schools and libraries on the same general conditions as male voters.¹

The polling-places are provided at the public expense. Each polling place has one white, one pink, one blue, and one red ballot-box, and when women vote a separate ballot box for women. Each polling place is provided with a guard rail and with one voting-booth for each fifty voters in the precinct. The judges, clerks, challengers, peace officers, and a limited number of voters are the only persons allowed behind the guard rail. When the voter gives

¹ See Art. VII., Sect. 1.

his name he is admitted behind the guard rail, if his name is found on the registry list. The ballot judge supplies the voter with an official ballot. This ballot must be endorsed with the initials of two judges of opposite political parties. The voter then retires into one of the compartments or booths to prepare his ballot. This is done by placing a mark (X) in the square opposite the group of party candidates if there are presidential electors to be chosen; for other officers he places a like mark (X) opposite the printed name of each candidate for whom he desires to vote, or he may write in blank spaces left for the purpose the name of the candidate of his own choice. If the ballot contains a question submitted to the people the voter places the same kind of a mark (X) in the square after the word or words that show how he intends to vote. At any time before the vote is cast, either a judge or a party representative may challenge the voter's qualification when the voter must retire or swear his vote in.¹

The voter then folds his ballots so that no one can see how he has voted, hands them to the ballot judges who deposits them in the appropriate box. The number of the ballots and the voter's name are entered in the poll book, and the voter immediately leaves the polling place. When the voter cannot read English or is physically unable to mark his ballot, assistance may be given by the judges or by some voter whom the judges designate.²

109. Determining the Results.—Immediately after the polls are closed, the judges of election unlock the ballot box, count the votes, and prepare a written statement showing the number of votes cast for each candidate.

¹ The object of the Australian ballot system is that the ballot may be made absolutely secret.

² Municipalities may provide automatic voting machines for the use of voters. See Revised Laws of Minnesota, 1905, Sects. 344-347.

In city elections the returns are made to the city clerk. The council canvasses the returns within two days of election, and the candidates having the highest number of votes are given certificates of election. In all other elections the returns are made to the county auditor. The county auditor calls to his assistance two justices of the peace of opposite political parties; the auditor and these justices, together with the chairman of the county board of commissioners, canvass the vote. This canvass must be made within ten days of the election. The county auditor issues certificates of election to the candidates for county and local offices who have received the highest number of votes. He also makes abstracts of the number of votes cast for all state offices, for members of the legislature, representatives in congress and electors for president and vice president of the United States if these are voted for at this election, and forwards them to the secretary of state. This officer presents the abstracts to the state board of canvassers on the third Tuesday in December after the election. This board examines the statements and determines which candidates have received the highest number of votes. The secretary of state issues certificates of election in accordance with the decision of the board. These certificates are signed by the governor and secretary of state.

There is a third canvassing board for state officers chosen in districts larger than a county.

110. Safeguards against Fraud.—In order to secure an honest expression of the people's choice in elections, many laws have been passed to protect electors and to prevent or punish corruption and bad practices. To prevent the casting of illegal votes, each elector must be registered. The judges of election sit as a board of registration about seven weeks before a general election, and fourteen days before a special election. There is also a second registration day.

Another safeguard against illegal voting is that the vote of any elector may be challenged, in which case he is not allowed to vote, unless he takes an oath affirming his qualifications.

Polling places must not be within fifty feet of a saloon; all saloons must be closed on election day, and no person is allowed to vote while grossly intoxicated; employés entitled to vote may, without loss of pay, take the forenoon for this purpose; bribery is defined and a punishment provided; false registration, personation, offering duplicate ballots, advancing money to be unlawfully used at or before an election, coercing or improperly influencing voters, defacing poll lists, or removing ballots from polling rooms, etc., are defined either as felonies or gross misdemeanors; the method by which the election judges determine residence, count votes, make returns, open, close, seal, and deliver ballot boxes is carefully regulated by law.

Each candidate is required to make in duplicate, within thirty days of the election, a sworn statement of the amount of money expended by him for election purposes. The amount of money so expended is limited by law, and legal election expenses are defined. The candidate files one statement of expenses with the county auditor and the other with the officer, whose duty it is to issue the certificate of election. Each party or campaign committee is required to file a similar statement showing in detail the amount of money received, and the purpose for which it was expended. The violation of these provisions is punishable by fine and imprisonment.

There are so many ways in which corruption in elections is possible, that the greatest care is taken to frame and enforce strict laws to check it.

111. Contested Elections.—Where a candidate for office who has been declared defeated is not satisfied with the result, provision is made by law by which he may

contest the election. This constitutes a valuable safeguard against fraudulent elections.

112. The Officer-Elect.—The candidate who has received the certificate of election is the officer-elect. When the term for which his predecessor was elected or appointed has expired,¹ and when he has qualified, by taking an oath to support the constitution of the United States and of the state of Minnesota, and faithfully to discharge the duties of his office, and by filing the proper bond, he becomes a public officer.

STUDIES ON ELECTIONS.

1. What does the word "politics" mean?
2. What can one citizen do to secure good nominations?
3. How do people know who are elected, long before the boards of canvassers meet?
4. Should a person change his political principles while in office?
5. Make a ticket for the next general election.
6. Is bolting ever justifiable?
7. What advantages has election over appointment?
- What advantages has appointment over election?
8. Should school directors belong to the majority party? Why?
9. What is meant by the "Australian ballot"?
10. How would you decide which of several candidates to vote for?
11. What is your opinion of "voting the straight ticket"?
12. What is your opinion of "voting for the best man"?
13. What do you mean by "voting for the issue"?

¹ Most officers begin their duties on the first Monday in January after their election.

CONSTITUTION

OF THE

STATE OF MINNESOTA.

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Preamble. We, the people of the state of Minnesota, grateful to God for our civil and religious liberty, and desiring to perpetuate its blessings and secure the same to ourselves and our posterity, do ordain and establish this constitution:

ARTICLE I.

BILL OF RIGHTS.

SECTION 1. Government is instituted for the security, benefit and protection of the people, in whom all political power is inherent, together with the right to alter, modify or reform such government, whenever the public good may require it.

SEC. 2. No member of this State shall be disfranchised, or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land, or the judgment of his peers. There shall be neither slavery nor involuntary servitude in the State otherwise than in the punishment of crime, whereof the party shall have been duly convicted.

SEC. 3. The liberty of the press shall forever remain inviolate, and all persons may freely speak, write and publish their sentiments on all subjects, being responsible for the abuse of such right.

SEC. 4. The right of trial by jury shall remain inviolate, and shall extend to all cases at law without regard to the amount in controversy, but a jury trial may be waived by the parties in all cases in the manner prescribed by law; [and the legislature may provide that the agreement of five-sixths of any jury

in any civil action or proceeding, after not less than six (6) hours' deliberation, shall be a sufficient verdict therein.] *

SEC. 5. Excessive bail shall not be required, nor shall excessive fines be imposed; nor shall cruel or unusual punishments be inflicted.

SEC. 6. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the county or district wherein the crime shall have been committed, which county or district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel in his defense.

SEC. 7. No person shall be held to answer for a criminal offense without due process of law, and no person for the same offense shall be put twice in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law. All persons shall before conviction be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended unless when in case of rebellion or invasion the public safety may require.

SEC. 8. Every person is entitled to a certain remedy in the laws for all injuries or wrongs which he may receive in his person, property or character; he ought to obtain justice freely and without purchase; completely and without denial; promptly and without delay, conformable to the laws.

SEC. 9. Treason against the State shall consist only in levying war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 10. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and

* The clause in brackets was adopted Nov. 4, 1890.

particularly describing the place to be searched and the person or things to be seized.

SEC. 11. No bill of attainder, *ex post facto* law, nor any law impairing the obligation of contracts shall ever be passed, and no conviction shall work corruption of blood or forfeiture of estate.

SEC. 12. No person shall be imprisoned for debt in this State, (a) but this shall not prevent the legislature from providing for imprisonment, or holding to bail, persons charged with fraud in contracting said debt. A reasonable amount of property shall be exempt from seizure or sale for the payment of any debt or liability. The amount of such exemption shall be determined by law. [*Provided, however, that all property so exempted shall be liable to seizure and sale for any debts incurred to any person for work done or materials furnished in the construction, repair or improvement of the same; and, provided further, that such liability to seizure and sale shall also extend to all real property for any debt incurred to any laborer or servant for labor or service performed.*] *

SEC. 13. Private property shall not be taken, destroyed or damaged for public use without just compensation therefor, first paid or secured.†

SEC. 14. The military shall be subordinate to the civil power, and no standing army shall be kept up in this State in time of peace.

SEC. 15. All lands within the State are declared to be allodial, and feudal tenures of every description, with all their incidents, are prohibited. Leases and grants of agricultural lands for a longer period than twenty-one years, hereafter made, in which shall be reserved any rent or service of any kind, shall be void.

SEC. 16. The enumeration of rights in this constitution shall not be construed to deny or impair others retained by and inherent in the people. The right of every man to worship God according to the dictates of his own conscience shall never be infringed, nor shall any man be compelled to attend, erect or support any place of worship, or to maintain any religious

(a) 23 Minn. 1; 23 Minn. 411.

* The clause in brackets was adopted Nov. 6, 1888.

† The words "destroyed or damaged" inserted by amendment adopted Nov. 3, 1896.

or ecclesiastical ministry, against his consent; nor shall any control of or interference with the rights of conscience be permitted, or any preference be given by law to any religious establishment or mode of worship; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of the State, nor shall any money be drawn from the treasury for the benefit of any religious societies, or religious or theological seminaries.

SEC. 17. No religious test or amount of property shall ever be required as a qualification for any office of public trust under the State. No religious test or amount of property shall ever be required as a qualification of any voter at any election in this State; nor shall any person be rendered incompetent to give evidence in any court of law or equity in consequence of his opinion upon the subject of religion.

ARTICLE II.

ON NAME AND BOUNDARIES.

SECTION 1. This State shall be called and known by the name of the State of Minnesota, and shall consist of and have jurisdiction over the territory embraced in the following boundaries, to-wit: Beginning at the point in the center of the main channel of the Red River of the North, where the boundary line between the United States and British Possessions crosses the same; thence up the main channel of said river to that of the Bois des Sioux river; thence up the main channel of said river to Lake Traverse; thence up the center of said lake to the southern extremity thereof; thence in a direct line to the head of Big Stone lake; thence through its center to its outlet; thence by a due south line to the north line of the State of Iowa; thence east along the northern boundary of said State to the main channel of the Mississippi river; thence up the main channel of said river and following the boundary line of the State of Wisconsin until the same intersects the St. Louis river; thence down the said river to and through Lake Superior, on the boundary line of Wisconsin and Michigan, until it intersects the dividing line between the United States and British Possessions; thence up Pigeon river and following said dividing line to the place of beginning.

SEC. 2. The State of Minnesota shall have concurrent jurisdiction on the Mississippi and on all other rivers and waters bordering on the said State of Minnesota, so far as the same shall form a common boundary to said State, and any other state or states now or hereafter to be formed by the same; and said rivers and waters, and navigable waters leading into the same, shall be common highways and forever free, as well to the inhabitants of said State as to other citizens of the United States, without any tax, duty, impost, or toll therefor.

SEC. 3. The propositions contained in the act of Congress entitled, "An act to authorize the people of the Territory of Minnesota to form a constitution and state government, preparatory to their admission into the Union on equal footing with the original states," are hereby accepted, ratified and confirmed, and shall remain irrevocable without the consent of the United States; and it is hereby ordained that this State shall never interfere with the primary disposal of the soil within the same, by the United States, or with any regulations Congress may find necessary for securing the title to said soil to *bona fide* purchasers thereof; and no tax shall be imposed on lands belonging to the United States and in no case shall non-resident proprietors be taxed higher than residents.

ARTICLE III.

DISTRIBUTION OF THE POWERS OF GOVERNMENT.

SECTION 1. The powers of government shall be divided into three distinct departments — legislative, executive, and judicial; and no person or persons belonging to or constituting one of these departments shall exercise any of the powers properly belonging to either of the others, except in the instances expressly provided in this constitution.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislature shall consist of the Senate and House of Representatives, which shall meet biennially at the seat of government of the State, at such time as shall be prescribed by law, but no session shall exceed the term of ninety

(90) legislative days; and no new bill shall be introduced in either branch, except on the written request of the governor, during the last twenty (20) days of such sessions, except the attention of the legislature shall be called to some important matter of general interest by a special message from the governor. Amendment adopted Nov. 6, 1888.

SEC. 2. The number of members who compose the Senate and House of Representatives shall be prescribed by law, but the representatives in the Senate shall never exceed one member for every 5,000 inhabitants, and in the House of Representatives one member for every 2,000 inhabitants. The representation in both houses shall be apportioned equally throughout the different sections of the State, in proportion to the population thereof, exclusive of Indians not taxable under the provisions of law.

SEC. 3. Each house shall be the judge of the election returns and eligibility of its own members; a majority of each shall constitute a quorum to transact business, but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as it may provide.

SEC. 4. Each house may determine the rules of its proceedings, sit upon its own adjournment, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member; but no member shall be expelled the second time for the same offense.

SEC. 5. The House of Representatives shall elect its presiding officer and the Senate and House of Representatives shall elect such other officers as may be provided by law; they shall keep journals of their proceedings, and from time to time publish the same, and the yeas and nays, when taken on any question, shall be entered on such journals.

SEC. 6. Neither house shall, during a session of the legislature, adjourn for more than three days (Sundays excepted), nor to any other place than that in which the two houses shall be assembled, without the consent of the other house.

SEC. 7. The compensation of senators and representatives shall be three dollars per diem during the first session, but may afterwards be prescribed by law. But no increase of compensation shall be prescribed which shall take effect during the

period for which the members of the existing House of Representatives may have been elected.

SEC. 8. The members of each house shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during the session of their respective houses, and in going to or returning from the same. For any speech or debate in either house they shall not be questioned in any other place.

SEC. 9. No senator or representative shall, during the time for which he is elected, hold any office under the authority of the United States or the State of Minnesota, except that of postmaster, and no senator or representative shall hold an office under the state which has been created or the emoluments of which have been increased during the session of the legislature of which he was a member, until one year after the expiration of his term of office in the legislature.

SEC. 10. All bills for raising a revenue shall originate in the House of Representatives, but the Senate may propose and concur with amendments as on other bills.

SEC. 11. Every bill which shall have passed the Senate and House of Representatives, in conformity to the rules of each house and the joint rules of the two houses, shall, before it becomes a law, be presented to the governor of the State. If he approve, he shall sign and deposit it in the office of secretary of state for preservation, and notify the house where it originated of the fact. But if not, he shall return it, with his objections, to the house in which it shall have originated; when such objections shall be entered at large on the journal of the same, and the house shall proceed to reconsider the bill. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if it be approved by two-thirds of that house it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the journal of each house, respectively. If any bill shall not be returned by the governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature, by adjournment within that time, prevents its re-

turn; in which case it shall not be a law. The governor may approve, sign and file in the office of the secretary of state, within three days after the adjournment of the legislature, any act passed during the last three days of the session, and the same shall become a law.

[If any bill presented to the governor contain several items of appropriation of money, he may object to one or more of such items, while approving of the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the appropriation so objected to shall not take effect. If the legislature be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If, on reconsideration, one or more of such items be approved by two-thirds of the members elected to each house, the same shall be a part of the law, notwithstanding the objections of the governor. All the provisions of this section, in relation to bills not approved by the governor, shall apply to cases in which he shall withhold his approval from any item or items contained in a bill appropriating money.] *

SEC. 12. No money shall be appropriated except by bill. Every order, resolution or vote requiring the concurrence of the two houses (except such as relate to the business or adjournment of the same) shall be presented to the governor for his signature, and, before the same shall take effect, shall be approved by him, or, being returned by him with his objections, shall be repassed by two-thirds of the members of the two houses, according to the rules and limitations prescribed in case of a bill.

SEC. 13. The style of all laws of this State shall be: "Be it enacted by the Legislature of the State of Minnesota." No law shall be passed unless voted for by a majority of all the members elected to each branch of the legislature, and the vote entered upon the journal of each house.

SEC. 14. The House of Representatives shall have the sole power of impeachment, through a concurrence of a majority of all the members elected to seats therein. All impeachments shall be tried by the Senate; and when sitting for that purpose the senators shall be upon oath or affirmation to do justice ac-

* This paragraph in brackets was adopted Nov. 7, 1876.

according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the members present.

SEC. 15. The legislature shall have full power to exclude from the privilege of electing or being elected any person convicted of bribery, perjury, or any other infamous crime.

SEC. 16. Two or more members of either house shall have liberty to dissent and protest against any act or resolution which they may think injurious to the public or to any individual, and have the reason of their dissent entered on the journal.

SEC. 17. The governor shall issue writs of election to fill such vacancies as may occur in either house of the legislature. The legislature shall prescribe by law the manner in which evidence in cases of contested seats in either house shall be taken.

SEC. 18. Each house may punish by imprisonment, during its session, any person, not a member, who shall be guilty of any disorderly or contemptuous behavior in their presence, but no such imprisonment shall at any time exceed twenty-four hours.

SEC. 19. Each house shall be open to the public during the sessions thereof, except in such cases as in their opinion may require secrecy.

SEC. 20. Every bill shall be read on three different days in each separate house, unless, in case of urgency, two-thirds of the house where such bill is depending shall deem it expedient to dispense with this rule; and no bill shall be passed by either house until it shall have been previously read twice at length.

SEC. 21. Every bill having passed both houses shall be carefully enrolled, and shall be signed by the presiding officer of each house. Any presiding officer refusing to sign a bill which shall have previously passed both houses shall thereafter be incapable of holding a seat in either branch of the legislature, or hold any other office of honor or profit in the State, and in case of such refusal, each house shall, by rule, provide the manner in which such bill shall be properly certified for presentation to the governor.

SEC. 22. No bill shall be passed by either house of the legislature upon the day prescribed for the adjournment of the two houses. But this section shall not be so construed as to preclude the enrollment of a bill, or the signature and passage from one house to the other, or the reports thereon from

committees, or its transmission to the executive for his signature.

SEC. 23. The legislature shall provide by law for an enumeration of the inhabitants of this State in the year one thousand eight hundred and sixty-five, and every tenth year thereafter. At their first session after each enumeration so made, and also at their first session after each enumeration made by the authority of the United States, the legislature shall have the power to prescribe the bounds of congressional, senatorial and representative districts, and to apportion anew the senators and representatives among the several districts according to the provisions of section second of this article.

SEC. 24. The senators shall also be chosen by single districts of convenient, contiguous territory, at the same time that members of the house of representatives are required to be chosen, and in the same manner; and no representative district shall be divided in the formation of a senate district. The senate districts shall be numbered in a regular series. The terms of office of senators and representatives shall be the same as now prescribed by law until the general election of the year one thousand eight hundred and seventy-eight (1878), at which time there shall be an entire new election of all the senators and representatives. Representatives chosen at such election, or at any election thereafter, shall hold their office for the term of two years, except it be to fill a vacancy; and the senators chosen at such election by districts designated as odd numbers shall go out of office at the expiration of the second year, and senators chosen by districts designated by even numbers shall go out of office at the expiration of the fourth year; and thereafter senators shall be chosen for four years, except there shall be an entire new election of all the senators at the election of representatives next succeeding each new apportionment provided for in this article.

SEC. 25. Senators and representatives shall be qualified voters of the State, and shall have resided one year in the State and six months immediately preceding the election in the district from which they are elected.

SEC. 26. Members of the Senate of the United States from this State shall be elected by the two houses of the legislature in joint convention, at such time and in such manner as may be provided by law.

SEC. 27. No law shall embrace more than one subject, which shall be expressed in its title.

SEC. 28. Divorces shall not be granted by the legislature.

SEC. 29. All members and officers of both branches of the legislature shall, before entering upon the duties of their respective trusts, take and subscribe an oath or affirmation to support the Constitution of the United States, the Constitution of the State of Minnesota, and faithfully and impartially to discharge the duties devolving upon him as such member or officer.

SEC. 30. In all elections to be made by the legislature, the members thereof shall vote *viva voce*, and their votes shall be entered on the journal.

SEC. 31. The legislature shall never authorize any lottery or the sale of lottery tickets.

SEC. 32. Any law providing for the repeal or amendment of any law or laws heretofore or hereafter enacted, which provides that any railroad company now existing in this State or operating its road therein, or which may be hereafter organized, shall, in lieu of all other taxes and assessments upon their real estate, roads, rolling stock, and other personal property, at and during the time and periods therein specified, pay into the treasury of this State a certain percentage therein mentioned of the gross earnings of such railroad companies now existing or hereafter organized, shall, before the same shall take effect or be in force, be submitted to a vote of the people of the State, and be adopted and ratified by a majority of the electors of the State voting at the election at which the same shall be submitted to them.*

SEC. 32. All lands donated to the State of Minnesota for the purpose of internal improvement, under the eighth section of the act of Congress, approved September fourth, eighteen hundred and forty-one, being "An act to appropriate the proceeds of the sale of the public lands, and to grant pre-emption rights," shall be appraised and sold, in the same manner and by the same officers, and the minimum price shall be the same as is provided by law for the appraisement and sale of the school lands, under the provisions of title one (1), chapter thirty-eight, of the General Statutes, except the modifications hereinafter men-

* This section was adopted Nov. 8, 1871.

tioned. All moneys derived from the sales of said lands shall be invested in the bonds of the United States, or of the State of Minnesota issued since 1860; and the moneys so invested shall constitute the Internal Improvement Land Fund of the State. All moneys received by the county treasurer under the provisions of title one (1), chapter thirty-eight (38), aforesaid, derived from the sale of internal improvement lands, shall be held at all times subject to the order and direction of the state treasurer, for the benefit of the fund to which it belongs; and on the fifteenth day of June in each year, and at such other times as he may be requested so to do by the state treasurer, he shall pay over to the said state treasurer all moneys received on account of such fund.

The bonds purchased in accordance with this amendment shall be transferable only upon the order of the governor, and on each bond shall be written "Minnesota Internal Improvement Land Fund of the State, transferable only on the order of the governor."

The principal sum from all sales of internal improvement lands shall not be reduced by any charges or costs of officers, by fees, or by any other means whatever; and section fifty (50), of title one (1), of chapter thirty-eight (38), of the General Statutes, shall not be applicable to the provisions of this amendment, and wherever the words "school lands" are used in said title, it shall read as applicable to this amendment, "Internal Improvement Lands."

The moneys belonging to the Internal Improvement Land Fund shall not be appropriated for any purpose whatever until the enactment for that purpose shall have been approved by a majority of the electors of the State voting at the annual general election following the passage of the act.

The force of this amendment shall be to authorize the sale of the internal improvement lands, without further legislative enactment.*

SEC. 33. In all cases when a general law can be made applicable, no special law shall be enacted; and whether a general law could have been made applicable in any case is hereby declared a judicial question, and as such shall be judicially determined without regard to any legislative assertion on that

* This section was adopted Nov. 5, 1872.

subject. The legislature shall pass no local or special law regulating the affairs of, or incorporating, erecting or changing the lines of, any county, city, village, township, ward or school district, or creating the offices, or prescribing the powers and duties of the officers of, or fixing or relating to the compensation, salary or fees of the same, or the mode of election or appointment thereto, authorizing the laying out, opening, altering, vacating or maintaining roads, highways, streets or alleys; remitting fines, penalties or forfeitures; regulating the powers, duties and practice of justices of the peace, magistrates and constables; changing the names of persons, places, lakes or rivers; for opening and conducting of elections, or fixing or changing the places of voting; authorizing the adoption or legitimation of children; changing the law of descent or succession; conferring rights upon minors; declaring any named person of age; giving effect to informal or invalid wills or deeds, or affecting the estates of minors or persons under disability; locating or changing county seats; regulating the management of public schools, the building or repairing of school houses, and the raising of money for such purposes; exempting property from taxation, or regulating the rate of interest on money; creating corporations, or amending, renewing, extending or explaining the charters thereof; granting to any corporation, association or individual any special or exclusive privilege, immunity or franchise whatever, or authorizing public taxation for a private purpose. *Provided, however,* That the inhibitions of local or special laws in this section shall not be construed to prevent the passage of general laws on any of the subjects enumerated.

The legislature may repeal any existing special or local law, but shall not amend, extend or modify any of the same.*

SEC. 34. The legislature shall provide general laws for the transaction of any business that may be prohibited by section one (1) of this amendment, and all such laws shall be uniform in their operation throughout the State.†

SEC. 35. Any combination of persons, either as individuals or as members or officers of any corporation, to monopolize the markets for food products in this State, or to interfere with,

* Adopted Nov. 8, 1892.

† Adopted Nov. 8, 1881.

or restrict the freedom of such markets, is hereby declared to be a criminal conspiracy, and shall be punished in such manner as the legislature may provide. §

SEC. 36. Any city or village in this State may frame a charter for its own government as a city consistent with and subject to the laws of this State, as follows: The legislature shall provide, under such restrictions as it deems proper, for a board of fifteen freeholders, who shall be and for the past five years shall have been qualified voters thereof, to be appointed by the district judges of the judicial district in which the city or village is situated, as the legislature may determine, for a term in no event to exceed six years, which board shall, within six months after its appointment, return to the chief magistrate of said city or village a draft of said charter, signed by the members of said board, or a majority thereof. Such charter shall be submitted to the qualified voters of such city or village at the next election thereafter, and if four-sevenths of the qualified voters voting at such election shall ratify the same it shall, at the end of thirty days thereafter, become the charter of such city or village as a city, and supersede any existing charter and amendments thereof; *provided*, that in cities having patrol limits now established, such charter shall require a three-fourths majority vote of the qualified voters voting at such election to change the patrol limits now established.

Before any city shall incorporate under this act the legislature shall prescribe by law the general limits within which such charter shall be framed. Duplicate certificates shall be made setting forth the charter proposed and its ratification, which shall be signed by the chief magistrate of said city or village and authenticated by its corporate seal. One of said certificates shall be deposited in the office of secretary of state, and the other, after being recorded in the office of the register of deeds for the county in which such city or village lies, shall be deposited among the archives of such city or village, and all courts shall take judicial notice thereof. Such charter so deposited may be amended by proposal therefor made by a board of fifteen commissioners aforesaid, published for at least thirty days in three newspapers of general circulation in such city or village, and accepted by three-fifths of the qualified voters

of such city or village voting at the next election, and not otherwise; but such charter shall always be in harmony with and subject to the Constitution and laws of the State of Minnesota. The legislature may prescribe the duties of the commission relative to submitting amendments of charter to the vote of the people and shall provide that upon application of five per cent of the legal voters of any such city or village, by written petition, such commission shall submit to the vote of the people proposed amendments to such charter set forth in said petition. The board of freeholders above provided for shall be permanent, and all the vacancies by death, disability to perform duties, resignation or removal from the corporate limits, or expiration of term of office, shall be filled by appointment in the same manner as the original board was created, and said board shall always contain its full complement of members.

It shall be a feature of all such charters that there shall be provided, among other things, for a mayor or chief magistrate, and a legislative body of either one or two houses; if of two houses, at least one of them shall be elected by general vote of the electors.

In submitting any such charter or amendment thereto to the qualified voters of such city or village, any alternate section or article may be presented for the choice of the voters, and may be voted on separately without prejudice to other articles or sections of the charter or any amendments thereto.

The legislature may provide general laws relating to affairs of cities, the application of which may be limited to cities of over fifty thousand inhabitants, or to cities of fifty and not less than twenty thousand inhabitants, or to cities of twenty and not less than ten thousand inhabitants, or to cities of ten thousand inhabitants or less, which shall apply equally to all such cities of either class, and which shall be paramount while in force to the provisions relating to the same matter included in the local charter herein provided for. But no local charter, provision or ordinance passed thereunder shall supersede any general law of the State defining or punishing crimes or misdemeanors.*

* Section 36 adopted Nov. 1898.

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION 1. The executive department shall consist of a governor, lieutenant governor, secretary of state, auditor, treasurer and attorney general who shall be chosen by the electors of the State.

SEC. 2. § The returns of every election for the officers named in the foregoing section shall be made to the secretary of state, who shall call to his assistance two or more of the judges of the supreme court, and two disinterested judges of the district courts of the State, who shall constitute a board of canvassers, who shall open and canvass said returns and declare the result within three days after such canvass.

SEC. 3. The term of office for the governor and lieutenant governor shall be two years, and until their successors are chosen and qualified. Each shall have attained the age of twenty-five (25) years, and shall have been a *bona fide* resident of the State for one year next preceding his election. Both shall be citizens of the United States.

SEC. 4. The governor shall communicate by message to each session of the legislature such information touching the state and condition of the country as he may deem expedient. He shall be commander-in-chief of the military and naval forces, and may call out such forces to execute the laws, suppress insurrection and repel invasion. He may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; † and he shall have power, in conjunction with the board of pardons, of which the governor shall be *ex officio* a member, and the other members of which shall consist of the attorney general of the State of Minnesota and the chief justice of the supreme court of the State of Minnesota, and whose powers and duties shall be defined and regulated by law, to grant reprieves and pardons after conviction for offenses against the State, except in cases of impeachment. He shall have power, by and with the advice and consent of the Senate, to appoint

§ As Amended Nov. 6, 1877.

† Adopted Nov. 3, 1896.

a state librarian and notaries public, and such other officers as may be provided by law. He shall have power to appoint commissioners to take the acknowledgment of deeds or other instruments in writing, to be used in the State. He shall have a negative upon all laws passed by the legislature, under such rules and limitations as are in this Constitution prescribed. He may on extraordinary occasions convene both houses of the legislature. He shall take care that the laws be faithfully executed, fill any vacancy that may occur in the office of secretary of state, treasurer, auditor, attorney general, and such other state and district offices as may be hereafter created by law, until the next annual election, and until their successors are chosen and qualified.

SEC. 5. The official term of the secretary of state, treasurer and attorney general shall be two (2) years. The official term of the state auditor shall be four (4) years, and each shall continue in office until his successor shall have been elected and qualified. The further duties and salaries of said executive officers shall each be prescribed by law.*

SEC. 6. The lieutenant governor shall be *ex officio* president of the Senate; and in case a vacancy shall occur, from any cause whatever, in the office of governor, he shall be governor during such vacancy. The compensation of lieutenant governor shall be double the compensation of a state senator. Before the close of each session of the Senate they shall elect a president *pro tempore*, who shall be lieutenant governor in case a vacancy should occur in that office.

SEC. 7. The term of each of the executive officers named in this article shall commence on taking the oath of office on or after the first day of May, 1858, and continue until the first Monday of January, 1860, except the auditor, who shall continue in office till the first Monday of January, 1861, and until their successors shall have been duly elected and qualified; and the same above mentioned time for qualification and entry upon the duties of their respective offices shall extend and apply to all other officers elected under the State Constitution, who have not already taken the oath of office, and commenced the performance of their official duties.†

* Adopted Nov. 6, 1883.

† This section was adopted April 15, 1858.

SEC. 8. Each officer created by this article shall, before entering upon his duties, take an oath or affirmation to support the Constitution of the United States and of this State, and faithfully discharge the duties of his office to the best of his judgment and ability.

SEC. 9. Laws shall be passed at the first session of the legislature after the State is admitted into the Union to carry out the provisions of this article.

ARTICLE VI.

JUDICIARY.

SECTION 1. The judicial power of the State shall be vested in a supreme court, district courts, courts of probate, justices of the peace, and such other courts, inferior to the supreme court, as the legislature may from time to time establish by a two-thirds vote.

SEC. 2. The supreme court shall consist of one chief justice and two associate justices, but the number of the associate justices may be increased to a number not exceeding four, by the legislature, by a two-thirds vote, when it shall be deemed necessary. It shall have original jurisdiction in such remedial cases as may be prescribed by law, and appellate jurisdiction in all cases, both in law and equity, but there shall be no trial by jury in said court. It shall hold one or more terms in each year, as the legislature may direct, at the seat of government, and the legislature may provide, by a two-thirds vote, that one term in each year shall be held in each or any judicial district. It shall be the duty of such court to appoint a reporter of its decisions. There shall be chosen, by the qualified electors of the State, one clerk of the supreme court, who shall hold his office for the term of four years, and until his successor is duly elected and qualified, and the judges of the supreme court, or a majority of them, shall have the power to fill any vacancy in the office of clerk of the supreme court until an election can be regularly had.

SEC. 3. The judges of the supreme court shall be elected by the electors of the State at large, and their term of office shall be six years, and until their successors are elected and qualified.

[Whenever all or a majority of the judges of the supreme court shall, from any cause, be disqualified from sitting in any

case in said court, the governor, or, if he shall be interested in the result of such case, then the lieutenant governor, shall assign judges of the district court of the State, who shall sit in such case in place of such disqualified judges, with all the powers and duties of judges of the supreme court.] *

SEC. 4. The State shall be divided by the legislature into judicial districts, which shall be composed of contiguous territory, be bounded by county lines, and contain a population as nearly equal as may be practicable. In each judicial district, one or more judges, as the legislature may prescribe, shall be elected by the electors thereof, whose term of office shall be six years, and each of said judges shall severally have and exercise the powers of the court, under such limitations as may be prescribed by law. Every district judge shall, at the time of his election, be a resident of the district for which he shall be elected, and shall reside therein during his continuance in office. In case any court of common pleas heretofore established shall be abolished, the judge of said court may be constituted by the legislature one of the judges of the district court of the district wherein such court has been so established for a period not exceeding the unexpired term for which he was elected.†

SEC. 5. The district courts shall have original jurisdiction in all civil cases, both in law and equity, where the amount in controversy exceeds one hundred dollars, and in all criminal cases where the punishment shall exceed three months' imprisonment or a fine of more than one hundred dollars, and shall have such appellate jurisdiction as may be prescribed by law. The legislature may provide by law that the judge of one district may discharge the duties of a judge of any other district not his own, when convenience or the public interest may require it.

SEC. 6. The judges of the supreme and district courts shall be men learned in the law, and shall receive such compensation at stated times as may be prescribed by the legislature; which compensation shall not be diminished during their continuance in office, but they shall receive no other fee or reward for their services.

* Paragraph in brackets added Nov. 7, 1876.

† This section was adopted Nov. 5, 1875.

SEC. 7. There shall be established in each organized county in the State a probate court, which shall be a court of record, and be held at such time and places as may be prescribed by law. It shall be held by one judge, who shall be elected by the voters of the county for the term of two years. He shall be a resident of such county at the time of his election, and reside therein during his continuance in office; and his compensation shall be provided by law. He may appoint his own clerk where none has been elected; but the legislature may authorize the election, by the electors of any county, of one clerk or register of probate for such county, whose powers, duties, term of office and compensation shall be prescribed by law. A probate court shall have jurisdiction over the estates of deceased persons and persons under guardianship, but no other jurisdiction, except as prescribed by this Constitution.

SEC. 8. The legislature shall provide for the election of a sufficient number of justices of the peace in each county, whose term of office shall be two years, and whose duties and compensation shall be prescribed by law. *Provided*, That no justice of the peace shall have jurisdiction of any civil cause where the amount in controversy shall exceed one hundred dollars, nor in a criminal cause where the punishment shall exceed three months' imprisonment, or a fine over one hundred dollars, nor in any cause involving the title to real estate.

SEC. 9. All judges other than those provided for in this Constitution shall be elected by the electors of the judicial district, county, or city, for which they shall be created, not for a longer term than seven years.

SEC. 10. In case the office of any judge become vacant before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the governor, until a successor is elected and qualified. And such successor shall be elected at the first annual election that occurs more than thirty days after the vacancy shall have happened.

SEC. 11. The justices of the supreme court and the district courts shall hold no office under the United States, nor any other office under this State. And all votes for either of them for any elective office under this Constitution, except a judicial office given by the legislature or the people, during their continuance in office, shall be void.

SEC. 12. The legislature may at any time change the num-

ber of judicial districts or their boundaries, when it shall be deemed expedient; but no such change shall vacate the office of any judge.

SEC. 13. There shall be elected in each county where a district court shall be held, one clerk of said court, whose qualifications, duties and compensation shall be prescribed by law, and whose term of office shall be four years.

SEC. 14. Legal pleadings and proceedings in the courts of this State shall be under the direction of the legislature. The style of all process shall be, "The State of Minnesota," and all indictments shall conclude, "against the peace and dignity of the State of Minnesota."

SEC. 15. The legislature may provide for the election of one person in each organized county in this State, to be called a court commissioner, with judicial power and jurisdiction not exceeding the power and jurisdiction of a judge of the district court at chambers; or the legislature may, instead of such election, confer such power and jurisdiction upon the judges of probate in the State.

ARTICLE VII.

ELECTIVE FRANCHISE.

* SECTION 1. What persons are entitled to vote:

Every male person of the age of twenty-one (21) years or upwards belonging to either of the following classes who has resided in this State six (6) months next preceding any election shall be entitled to vote at such election in the election district of which he shall at the time have been for thirty (30) days a resident, for all officers that now are, or hereafter may be, elective by the people.

First — Citizens of the United States who have been such for the period of three (3) months next preceding any election.

Second — Persons of mixed white and Indian blood, who have adopted the customs and habits of civilization.

Third — Persons of Indian blood residing in this State, who have adopted the language, customs and habits of civilization, after an examination before any district court of the State, in such manner as may be provided by law, and shall have been

* Section 1, adopted Nov. 3, 1896.

pronounced by said court capable of enjoying the rights of citizenship within the State.

SEC. 2. No person not belonging to one of the classes specified in the preceding section; no person who has been convicted of treason or any felony, unless restored to civil rights; and no person under guardianship, or who may be *non compos mentis* or insane, shall be entitled or permitted to vote at any election in this State.

SEC. 3. For the purpose of voting, no person shall be deemed to have lost a residence by reason of his absence while employed in the service of the United States; nor while engaged upon the waters of this State or of the United States; nor while a student in any seminary of learning; nor while kept at any almshouse or asylum; nor while confined in any public prison.

SEC. 4. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of being stationed within the same.

SEC. 5. During the day on which any election shall be held, no person shall be arrested by virtue of any civil process.

SEC. 6. All elections shall be by ballot, except for such town officers as may be directed by law to be otherwise chosen.

SEC. 7. Every person who by the provisions of this article shall be entitled to vote at any election shall be eligible to any office which now is, or hereafter shall be, elective by the people in the district wherein he shall have resided thirty days previous to such election, except as otherwise provided in this Constitution, or the Constitution and laws of the United States.

SEC. 8.* Women may vote for school officers and members of library boards, and shall be eligible to hold any office pertaining to the management of schools or libraries.

Any woman of the age of twenty-one (21) years and upward and possessing the qualifications requisite to a male voter may vote at any election held for the purpose of choosing any officer of schools or any members of library boards, or upon any measure relating to schools or libraries, and shall be eligible to hold any office pertaining to the management of schools and libraries. (a)

* Adopted Nov. 8, 1898.

(a) The right to vote on district school matters was granted by chapter 71, General Laws of 1878; and the right to vote for county school superintendents was granted by chapter 204, General Laws of 1885.

SEC. 9. The official year for the State of Minnesota shall commence on the first Monday in January in each year, and all terms of office shall terminate at that time; and the general election shall be held on the first Tuesday after the first Monday in November. The first general election for State and county officers, except judicial officers, after the adoption of this amendment, shall be held in the year A. D. one thousand eight hundred and eighty-four (1884), and thereafter the general election shall be held biennially. All state, county or other officers elected at any general election, whose terms of office would otherwise expire on the first Monday of January, A. D. one thousand eight hundred and eighty-six (1886), shall hold and continue in such offices, respectively, until the first Monday in January, one thousand eight hundred and eighty-seven (1887).†

ARTICLE VIII.

SCHOOL FUNDS, EDUCATION AND SCIENCE.

SECTION 1. The stability of a republican form of government depending mainly upon the intelligence of the people, it shall be the duty of the legislature to establish a general and uniform system of public schools.

SEC. 2. The proceeds of such lands as are or hereafter may be granted by the United States for the use of schools within each township of this State shall remain a perpetual school fund to the State; and not more than one-third ($\frac{1}{3}$) of said lands may be sold in two (2) years, one-third ($\frac{1}{3}$) in five (5) years, and one-third ($\frac{1}{3}$) in ten (10) years; but the lands of the great est valuation shall be sold first; *provided*, that no portion of said lands shall be sold otherwise than at public sale. The principal of all funds arising from sales or other disposition of lands or other property, granted or entrusted to this State in each township for educational purposes, shall forever be preserved inviolate and undiminished; and the income arising from the lease or sale of said school land shall be distributed to the different townships throughout the State, in proportion to the number of scholars in each township, between the ages of five and twenty-one years; and shall be faithfully applied to the specific objects of the original grants or appropriations.

† Adopted Nov. 6, 1883.

[Suitable laws shall be enacted by the legislature for the safe investment of the principal of all funds which have heretofore arisen or which may hereafter arise from the sale or other disposition of such lands, or the income from such lands accruing in any way before the sale or disposition thereof, in interest-bearing bonds of the United States, or of the State of Minnesota, issued after the year one thousand eight hundred and sixty (1860), or of such other state as the legislature may, by law, from time to time direct.] * (b)

All swamp lands now held by the State, or that may hereafter accrue to the State, shall be appraised and sold in the same manner and by the same officers, and the minimum price shall be the same less one-third ($\frac{1}{3}$), as is provided by law for the appraisement and sale of the school lands under the provisions of title one (1) of chapter thirty-eight (38) of the General Statutes. The principal of all funds derived from sales of swamp lands, as aforesaid, shall forever be preserved inviolate and undiminished. One-half ($\frac{1}{2}$) of the proceeds of said principal shall be appropriated to the common school fund of the State. The remaining one-half ($\frac{1}{2}$) shall be appropriated to the educational and charitable institutions of the State in the relative ratio of cost to support said institutions.†

SEC. 3. The legislature shall make such provisions, by taxation or otherwise, as, with the income arising from the school fund, will secure a thorough and efficient system of public schools in each township in the State.

[But in no case shall the moneys derived as aforesaid, or any portion thereof, or any public moneys or property, be appropriated or used for the support of schools wherein the distinctive doctrines, creeds or tenets of any particular Christian or other religious sect are promulgated or taught.] ‡

SEC. 4. The location of the University of Minnesota, as established by existing laws, is hereby confirmed, and said institution is hereby declared to be the University of the State of Minnesota. All the rights, immunities, franchises and endowments heretofore granted or conferred are hereby perpetuated unto the said university; and all lands which may be granted

* Paragraph in brackets adopted Nov. 5, 1875.

(b) Ch. 102, G. L. of 1885.

† Adopted Nov. 8, 1881.

‡ Paragraph in brackets adopted Nov. 6, 1877.

hereafter by Congress, or other donations for said university purposes, shall vest in the institution referred to in this section.

SEC. 5.|| The permanent school funds of the State may be loaned upon interest at the rate of five (5) per cent per annum to the several counties or school districts of the State, to be used in the erection of county or school buildings. No such loan shall be made until approved by a board consisting of the governor, the state auditor and the state treasurer, who are hereby constituted an investment board for the purpose of the loans hereby authorized; nor shall any such loan be for an amount exceeding three (3) per cent of the last preceding assessed valuation of the real estate of the county or school district receiving the same. The state auditor shall annually, at the time of certifying the state tax to the several county auditors, also certify to each auditor to whose county, or to any of the school districts of whose county, any such loan shall have been made, the tax necessary to be levied to meet the accruing interest or principal of any such loan, and it shall be the duty of every such county auditor forthwith to levy and extend such tax upon all the taxable property of his county, or of the several school districts, respectively, liable for such loans—as the case may be—and in all such cases the tax so assessed shall be fifty (50) per cent in excess of the amount actually necessary to be raised on account of such accruing principal or interest. It shall be levied, collected and paid into the county and state treasuries in the same manner as state taxes, and any excess collected over the amount of such principal or interest accruing in any given year shall be credited to the general funds of the respective counties or school districts. No change of the boundaries of any school district after the making of any such loan shall operate to withdraw any property from the taxation herein provided for; nor shall any law be passed extending the time of payment of any such principal or interest, or reducing the rate of such interest, or in any manner waiving or impairing any rights of the State in connection with any such loan. Suitable laws, not inconsistent with this amendment, may be passed by the legislature for the purpose of carrying the same into effect. (a)

|| Adopted Nov. 2, 1886.

(a) Chapter 193, G. L. of 1887, made the necessary provision for giving effect to this section.

SEC. 6. The permanent school and university fund of this state may be invested in the bonds of any county, school district, city, town or village of this state, but no such investment shall be made until approved by the board of commissioners designated by law to regulate the investment of the permanent school fund and the permanent university fund of this state; nor shall such loan or investment be made when the bonds to be issued or purchased would make the entire bonded indebtedness exceed fifteen (15) per cent of the assessed valuation of the taxable real property of the county, school district, city, town or village issuing such bonds; nor shall such loans or indebtedness be made at a lower rate of interest than three (3) per cent per annum, nor for a shorter period than five (5) years, nor for a longer period than twenty (20) years, and no change of the town, school district, city, village, or of county lines shall relieve the real property in such town, school district, county, village or city in this state at the time of the issuing of such bonds from any liability for taxation to pay such bonds.*

ARTICLE IX.

FINANCES OF THE STATE, AND BANKS AND BANKING.

SECTION 1. All taxes to be raised in this State shall be as nearly equal as may be, and all property on which taxes are to be levied shall have a cash valuation and be equalized and uniform throughout the State; *provided*, that the legislature may, by general law or special act, authorize municipal corporations to levy assessments for local improvements upon the property fronting upon such improvements, or upon the property to be benefited by such improvements, or both, without regard to a cash valuation, and in such manner as the legislature may prescribe. And, *provided further*, that for the purpose of defraying the expenses of laying water pipes and supplying any city or municipality with water, the legislature may, by general or special law, authorize any such city or municipality, having a population of five thousand (5,000) or more, to levy an annual tax or assessment upon the lineal foot of all lands fronting on any water main or water pipe laid by such city or municipality

* Adopted Nov. 8, 1904.

within corporate limits of said city for supplying water to the citizens thereof without regard to the cash value of such property, and to empower such city to collect any such tax, assessments or fines, or penalties for failure to pay the same, or any fine or penalty for any violation of the rules of such city or municipality in regard to the use of water, or for any water rate due for the same.* And, *provided further*, that there may be by law levied and collected a tax upon all inheritances, devises, bequests, legacies and gifts of every kind and description above a fixed and specified sum, of any and all natural persons and corporations. Such a tax above such exempted sum may be uniform, or it may be graded or progressive, but shall not exceed a maximum tax of five per cent.†

SEC. 2. The legislature shall provide for an annual tax sufficient to defray the estimated ordinary expenses of the State for each year; and whenever it shall happen that such ordinary expenses of the State for any year shall exceed the income of the State for such year, the legislature shall provide for levying a tax for the ensuing year, sufficient with other sources of income to pay the deficiency of the preceding year, together with the estimated expenses of such ensuing year. [But no law levying a tax, or making other provisions for the payment of interest or principal of the bonds denominated "Minnesota State Railroad Bonds," shall take effect or be in force until such law shall have been submitted to a vote of the people of the State, and adopted by a majority of the electors of the State voting upon the same.]‡

SEC. 3. Laws shall be passed taxing all moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise, and also all real and personal property, according to its true value in money; but public burying grounds, public school houses, public hospitals, academies, colleges, universities, and all seminaries of learning, all churches, church property used for religious purposes, and houses of worship, institutions of purely public charity, public property used exclusively for any public purpose, and personal property to an amount not exceeding in value two hundred dollars for each individual, shall, by general laws, be exempt from taxation.

* Adopted Nov. 2, 1869, and Nov. 8, 1881.

† Adopted Nov. 6, 1894.

‡ These amendments were adopted Nov. 6, 1860.

SEC. 4. Laws shall be passed for taxing the notes and bills discounted or purchased, moneys loaned, and all other property, effects or dues of every description, of all banks and all bankers, so that all property employed in banking shall always be subject to a taxation equal to that imposed on the property of individuals.

SEC. 5.* For the purpose of defraying extraordinary expenditures, the State may contract public debts, but such debts shall never, in the aggregate, exceed \$250,000; every such debt shall be authorized by law, for some single object, to be distinctly specified therein; and no such law shall take effect until it shall have been passed by the vote of two-thirds of the members of each branch of the legislature, to be recorded by yeas and nays on the journals of each house respectively; and every such law shall levy a tax annually sufficient to pay the annual interest of such debt, and also a tax sufficient to pay the principal of such debt within ten years from the final passage of such law, and shall specially appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation and taxes shall not be repealed, postponed or diminished, until the principal and interest of such debt shall have been wholly paid. The State shall never contract any debts for works of internal improvements, or be a party in carrying on such works, except in cases where grants of land or other property shall have been made to the State, especially dedicated by the grant to specific purposes, and in such case the State shall devote thereto the avails of such grants, and may pledge or appropriate the revenues derived from such works in aid of their completion.

SEC. 6. All debts authorized by the preceding section shall be contracted by loan on State bonds of amounts not less than five hundred dollars each on interest, payable within ten years after the final passage of the law authorizing such debt; and such bonds shall not be sold by the State under par. A correct registry of all such bonds shall be kept by the treasurer, in numerical order, so as always to exhibit the number and amount unpaid, and to whom severally made payable.

SEC. 7. The State shall never contract any public debt, unless in time of war, to repel invasion or suppress insurrection, except

* Amended April 14, 1858.

in the cases and in the manner provided in the fifth and sixth sections of this article.

SEC. 8. The money arising from any loan made, or debt or liability contracted, shall be applied to the object specified in the act authorizing such debt or liability, or to the repayment of such debt or liability, and to no other purpose whatever.

SEC. 9. No money shall ever be paid out of the treasury of this State except in pursuance of an appropriation by law.

SEC. 10. The credit of the State shall never be given or loaned in aid of any individual, association or corporation. [Nor shall there be any further issue of bonds denominated "Minnesota State Railroad Bonds," under what purports to be an amendment to section ten (10) of article nine (9) of the Constitution, adopted April fifteenth, eighteen hundred and fifty eight, which is hereby expunged from the Constitution, saving, excepting and reserving to the State, nevertheless, all rights, remedies, and forfeitures accruing under said amendment.] *

SEC. 11. There shall be published by the treasurer, in at least one newspaper printed at the seat of government, during the first week in January in each year, and in the next volume of the acts of legislature, detailed statements of all moneys drawn from the treasury during the preceding year, for what purpose and to whom paid, and by what law authorized; and also of all moneys received, and by what authority and from whom.

SEC. 12.† Suitable laws shall be passed by the legislature for the safe-keeping, transfer and disbursements of the state and school funds; and all officers and other persons charged with the same or any part of the same, or the safe keeping thereof, shall be required to give ample security for all moneys and funds of any kind received by them; to make forthwith and keep an accurate entry of each sum received, and of each payment and transfer; and if any of said officers or other persons shall convert to his own use in any manner or form, or shall loan, with or without interest, or shall deposit in his own name, or otherwise than in the name of the State of Minnesota; or shall deposit in banks or with any person or persons, or exchange for other funds or property, any portion of the funds of the State or of the school funds aforesaid, except in the man-

* The clause in brackets was adopted Nov. 6, 1860.

† Adopted Nov. 4, 1873.

ner prescribed by law, every such act shall be and constitute an embezzlement of so much of the aforesaid State and school funds, or either of the same, as shall thus be taken, or loaned, or deposited or exchanged, and shall be a felony; and any failure to pay over, produce or account for the State school funds, or any part of the same entrusted to such officer or persons as by law required on demand, shall be held and be taken to be *prima facie* evidence of such embezzlement.

SEC. 13. The legislature may, by a two-thirds vote, pass a general banking law, with the following restrictions and requirements, viz:

First — The legislature shall have no power to pass any law sanctioning in any manner, directly or indirectly, the suspension of specie payments by any person, association or corporation issuing bank notes of any description.

Second — The legislature shall provide by law for the registry of all bills or notes issued or put in circulation as money, and shall require ample security in United States stock or State stocks for the redemption of the same in specie; and in case of a depreciation of said stocks, or any part thereof, to the amount of ten per cent or more on the dollar, the bank or banks owning said stocks shall be required to make up said deficiency by additional stocks.

Third — The stockholders in any corporation and joint association for banking purposes, issuing bank notes, shall be individually liable in an amount equal to double the amount of stock owned by them for all the debts of such corporation or association; and such individual liability shall continue for one year after any transfer or sale of stock by any stockholder or stockholders.

Fourth — In case of the insolvency of any bank or banking association, the bill holders thereof shall be entitled to preference in payment over all other creditors of such bank or association.

Fifth — Any general banking law which may be passed in accordance with this article shall provide for recording the names of all stockholders in such corporation, the amount of stock held by each, the time of transfer, and to whom transferred.

SEC. 14. (a) * For the purpose of erecting and completing

* Sections 14a and 14b were adopted Nov. 5, 1872.

buildings for a hospital for the insane, a deaf, dumb and blind asylum, the state prison, the legislature may by law increase the public debt of the State to an amount not exceeding \$250,000, in addition to the public debt already heretofore authorized by the Constitution; and for that purpose may provide by law for issuing and negotiating the bonds of the State, and appropriate the money only for the purpose aforesaid; which bonds shall be payable in not less than ten nor more than thirty years from the date of the same, at the option of the State.

SEC. 14. (b) The legislature shall not authorize any county, township, city, or other municipal corporation to issue bonds or to become indebted in any manner to aid in the construction or equipment of any or all railroads to any amount that shall exceed ten per centum of the value of the taxable property within such county, township, city, or other municipal corporation; the amount of such taxable property to be ascertained and determined by the last assessment of said property made for the purpose of state and county taxation previous to the incurring of such indebtedness, Nov. 5, 1872.

SEC. 15.* The legislature shall not authorize any county, township, city, or other municipal corporation to issue bonds, or to become indebted in any manner, to aid in the construction or equipment of any or all railroads to any amount that shall exceed five (5) per centum of the value of the taxable property within such county, township, city, or other municipal corporation. The amount of such taxable property to be ascertained and determined by the last assessment of said property made, for the purpose of state and county taxation, previous to the incurring of such indebtedness.

SEC. 16.** For the purpose of lending aid in the construction and improvement of public highways and bridges, there is hereby created a fund to be known as the "State Road and Bridge Fund." Said fund shall include all moneys accruing from the income derived from investments in the internal improvement land fund, or that may hereafter accrue to said fund, and shall also include all funds accruing to any state road and bridge fund, however provided.

The legislature is authorized to add to such fund for the

* Sec. 15 was adopted Nov. 4, 1879.

** Sec. 16 was adopted Nov. 8, 1898.

purpose of constructing or improving roads and bridges of this State, by providing, in its discretion, for an annual tax levy upon the property of this State of not to exceed in any year one-twentieth (1-20) of one (1) mill on all the taxable property within the State.

The legislature is also authorized to provide for the appointment, by the governor of the State, of a board to be known as the "State Highway Commission," consisting of three (3) members, who shall perform such duties as shall be prescribed by law without salary or compensation other than personal expenses.

Such commission shall have general superintendence of the construction of State roads and bridges and shall use such fund in the construction thereof and distribute the same in the several counties in the State upon an equitable basis. *Provided further*, that no county shall receive in any year more than three (3) per cent or less than one-half ($\frac{1}{2}$) of one (1) per cent of the total fund thus provided and expended during such year; and, *provided further*, that no more than one-third ($\frac{1}{3}$) of such fund accruing in any year shall be expended for bridges, and in no case shall more than one-third ($\frac{1}{3}$) of the cost of constructing or improving any road or bridge be paid by the State from such fund.

SEC. 17.† The legislature may impose, or provide for the imposition of, upon the property within this state of any and all owners or operators, whether corporate or individual, or otherwise, of any and all sleeping, parlor and drawing room cars, or any or either of the same, which run in, into or through this State; also upon the property within this State of any and all telegraph and telephone companies, or owners, whose lines are in, or extend in, into or through this State; also upon the property within this State of all express companies, or owners, or any or either of the same, doing business in this State; also upon the property within this State of all domestic insurance companies of this State of any kind; also upon the property within this State of all owners or operators of any and all mines or of mineral ores situated in this State; also upon the property within this State of all boom companies or owners, and of all ship builders or owners doing business

† Sec. 17 was adopted Nov. 3, 1896.

in this State or having a port therein; *provided*, that this act shall not apply to property owned by railroad companies, their lands and other property; and upon the property of either or any of such companies or owners a tax, as uniform as reasonably may be with the taxes imposed upon similar property in said State, or upon the earnings thereof within this State, but may be graded or progressive, or both, and in providing for such tax, or in providing for ascertaining the just and true value of such property, it shall be competent for the legislature, in either or all of such cases, to impose such tax, upon any or all property thereof within this State, and in either case by taking as the basis of such imposition the proportionate business, earnings, mileage or quantity of production or property now or hereafter existing of any such companies, persons or owners, transacted or existing in this State, in relation to the entire business, mileage or quantity of production or property of such companies, persons or owners as aforesaid; or in such other manner, or by such other method, as the legislature may determine; but the proceeds of such taxes upon mining property shall be distributed between the State and the various political subdivisions thereof wherein the same is situated in the same proportion as the proceeds of taxes upon real property are distributed; *provided further*, that nothing in this act contained shall operate to authorize the assessment or taxation of land or ordinary business blocks or property owned by any such corporation, person, firm or company, except in the manner provided by the ordinary methods of taxation.

ARTICLE X.

OF CORPORATIONS HAVING NO BANKING PRIVILEGES.

SECTION 1. The term "Corporation," as used in this article, shall be construed to include all associations and joint stock companies having any of the powers and privileges not possessed by individuals or partnerships, except such as embrace banking privileges, and all corporations shall have the right to sue, and shall be liable to be sued in all courts, in like manner as natural persons.

SEC. 2. No corporations shall be formed under special acts, except for municipal purposes.

SEC. 3. Each stockholder in any corporation [excepting those

organized for the purpose of carrying on any kind of manufacturing or mechanical business shall be liable to the amount of stock held or owned by him.] †

SEC. 4. Lands may be taken for public way, for the purpose of granting to any corporation the franchise of way for public use. In all cases, however, a fair and equitable compensation shall be paid for such land, and the damages arising from the taking of the same; but all corporations being common carriers, enjoying the right of way in pursuance of the provisions of this section, shall be bound to carry the mineral, agricultural and other productions of manufacturers on equal and reasonable terms.

ARTICLE XI.

COUNTIES AND TOWNSHIPS.

SECTION 1. The legislature may from time to time establish and organize new counties; but no new county shall contain less than four hundred square miles; nor shall any county be reduced below that amount; and all laws changing county lines in counties already organized, or for removing county seats, shall, before taking effect, be submitted to the electors of the county or counties to be affected thereby, at the next general election after the passage thereof, and be adopted by a majority of such electors. Counties now established may be enlarged, but not reduced below four hundred (400) square miles.

SEC. 2. The legislature may organize any city into a separate county, when it has attained a population of 20,000 inhabitants, without reference to geographical extent, when a majority of the electors of the county in which such city may be situated, voting thereon, shall be in favor of a separate organization.

SEC. 3. Laws may be passed providing for the organization for municipal and other town purposes, of any congressional or fractional townships in the several counties in the state, *provided* that when a township is divided by county lines or does not contain one hundred inhabitants, it may be attached to one or more adjoining townships or parts of townships for the purposes aforesaid.

† The clause in brackets adopted Nov. 5, 1872.

SEC. 4. Provision shall be made by law for the election of such county or township officers as may be necessary.

SEC. 5. Any county and township organization shall have such powers of local taxation as may be prescribed by law.

SEC. 6. No money shall be drawn from any county or township treasury except by authority of law.

SEC. 7.* That the county of Manomin is hereby abolished, and that the territory heretofore comprising the same shall constitute and be a part of the county of Anoka.

ARTICLE XII.

OF THE MILITIA.

SECTION 1. It shall be the duty of the legislature to pass such laws for the organization, discipline and service of the militia of the state as may be deemed necessary.

ARTICLE XIII.

IMPEACHMENT AND REMOVAL FROM OFFICE.

SECTION 1. The governor, secretary of state, treasurer, auditor, attorney general, and the judges of the supreme and district courts, may be impeached for corrupt conduct in office, or for crimes and misdemeanors; but judgment in such case shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust or profit in this state. The party convicted thereof shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

SEC. 2. The legislature of this state may provide for the removal of inferior officers from office, for malfeasance or non-feasance in the performance of their duties.

SEC. 3. No officer shall exercise the duties of his office after he shall have been impeached and before his acquittal.

SEC. 4. On the trial of an impeachment against the governor, the lieutenant governor shall not act as a member of the court.

SEC. 5. No person shall be tried on impeachment before he shall have been served with a copy thereof at least twenty days previous to the day set for trial.

* Adopted Nov. 2, 1869.

ARTICLE XIV.

AMENDMENTS TO THE CONSTITUTION.

SECTION 1.* Whenever a majority of both houses of the legislature shall deem it necessary to alter or amend this Constitution, they may propose such alterations or amendments, which proposed amendments shall be published with the laws which have been passed at the same session, and said amendments shall be submitted to the people for their approval or rejection at any general election, and if it shall appear, in a manner to be provided by law, that a majority of all the electors voting at said election shall have voted for and ratified such alterations or amendments, the same shall be valid to all intents and purposes as a part of this Constitution. If two or more alterations or amendments shall be submitted at the same time, it shall be so regulated that the voters shall vote for or against each separately.

SEC. 2. Whenever two-thirds of the members elected to each branch of the legislature shall think it necessary to call a convention to revise this Constitution, they shall recommend to the electors to vote at the next general election for members of the legislature, for or against a convention; and if a majority of all the electors voting at said election shall have voted for a convention, the legislature shall, at their next session, provide by law for calling the same. The convention shall consist of as many members as the House of Representatives, who shall be chosen in the same manner, and shall meet within three months after their election for the purpose aforesaid.

ARTICLE XV.

MISCELLANEOUS SUBJECTS.

SECTION 1. The seat of government of the state shall be at the city of St. Paul, but the legislature, at their first or any future session, may provide by law for a change of the seat of government by a vote of the people, or may locate the same upon the land granted by congress for a seat of government to the state; and in the event of the seat of government being removed from the city of St. Paul to any other place in the state, the capitol building and grounds shall be dedicated to an institu-

* Adopted Nov. 8, 1898.

tion for the promotion of science, literature and the arts, to be organized by the legislature of the state, and of which institution the Minnesota Historical Society shall always be a department.

SEC. 2. Persons residing on Indian lands within the state shall enjoy all the rights and privileges of citizens, as though they lived in any other portion of the state, and shall be subject to taxation.

SEC. 3. The legislature shall provide for a uniform oath or affirmation to be administered at elections, and no person shall be compelled to take any other or different form of oath to entitle him to vote.

SEC. 4. There shall be a seal of the state, which shall be kept by the secretary of state, and be used by him officially, and shall be called the great seal of the state of Minnesota, and shall be attached to all the official acts of the governor (his signature to acts and resolves of the legislature excepted) requiring authentication. The legislature shall provide for an appropriate device and motto for said seal.

SEC. 5. The territorial prison, as located under existing laws, shall, after the adoption of this Constitution, be and remain one of the state prisons of the state of Minnesota.

SCHEDULE.

SECTION 1. That no inconvenience may arise by reason of a change from a territorial to a permanent state of government, it is declared that all rights, actions, prosecutions, judgments, claims and contracts, as well of individuals as of bodies corporate, shall continue as if no change had taken place; and all process which may be issued under the authority of the Territory of Minnesota previous to its admission into the Union of the United States shall be as valid as if issued in the name of the state.

SEC. 2. All laws now in force in the Territory of Minnesota not repugnant to this Constitution shall remain in force until they expire by their own limitation, or be altered or repealed by the legislature.

SEC. 3. All fines, penalties or forfeitures accruing to the Territory of Minnesota shall inure to the state.

SEC. 4. All recognizances heretofore taken, or which may be taken before the change from a territorial to a permanent state

government shall remain valid, and shall pass to and may be prosecuted in the name of the state; and all bonds executed to the governor of the territory, or to any other officer or court in his or their official capacity, shall pass to the governor or state authority and their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly; and all the estate of property, real, personal or mixed, and all judgments, bonds, specialties, choses in action, and claims and debts, of whatsoever description, of the territory of Minnesota, shall inure to and vest in the state of Minnesota, and may be sued for and recovered in the same manner and to the same extent by the state of Minnesota as the same could have been by the territory of Minnesota. All criminal prosecutions and penal actions which may have arisen, or which may arise before the change from a territorial to a state government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the state. All offenses committed against the laws of the territory of Minnesota, before the change from a territorial to a state government, and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority of the state of Minnesota with like effect as though such change had not taken place, and all penalties incurred shall remain the same as if this Constitution had not been adopted. All actions at law and suits in equity which may be pending in any of the courts of the territory of Minnesota, at the time of a change from a territorial to a state government, may be continued and transferred to any court of the state which shall have jurisdiction of the subject matter thereof.

SEC. 5. All territorial officers, civil or military, now holding their offices under the authority of the United States, or of the territory of Minnesota shall continue to hold and exercise their respective offices until they shall be superseded by the authority of the state.

SEC. 6. The first session of the legislature of the state of Minnesota shall commence on the first Wednesday of December next, and shall be held at the capitol, in the city of St. Paul.

SEC. 7. The laws regulating the election and qualification of all district, county and precinct officers shall continue and be in force until the legislature shall otherwise provide by law.

SEC. 8. The president of this convention shall, immediately after the adjournment thereof, cause this Constitution to be de-

posited in the office of the governor of the territory; and if, after the submission of the same to a vote of the people, as hereinafter provided, it shall appear that it has been adopted by a vote of the people of the state, then the governor shall forward a certified copy of the same, together with an abstract of the votes polled for and against the said Constitution, to the president of the United States, to be by him laid before the Congress of the United States.

SEC. 9. For the purposes of the first election, the state shall constitute one district, and shall elect three members to the House of Representatives of the United States.

SEC. 10. For the purposes of the first election for members of the State Senate and House of Representatives, the state shall be divided into senatorial and representative districts, as follows, viz: First district, Washington county; Second district, Ramsey county; Third district, Dakota county; Fourth district, so much of Hennepin county as lies west of the Mississippi; Fifth district, Rice county; Sixth district, Goodhue county; Seventh district, Scott county; Eighth district, Olmsted county; Ninth district, Fillmore county; Tenth district, Houston county; Eleventh district, Winona county; Twelfth district, Wabasha county; Thirteenth district, Mower and Dodge counties; Fourteenth district, Freeborn and Faribault counties; Fifteenth district, Steele and Waseca counties; Sixteenth district, Blue Earth and Le Sueur counties; Seventeenth district, Nicollet and Brown counties; Eighteenth district, Sibley, Renville and McLeod counties; Nineteenth district, Carver and Wright counties; Twentieth district, Benton, Stearns and Meeker counties; Twenty-first district, Morrison, Crow Wing and Mille Lacs counties; Twenty-second district, Cass, Pembina and Todd counties; Twenty-third district, so much of Hennepin county as lies east of the Mississippi, Twenty-fourth district, Sherburne, Anoka and Manomin counties; Twenty-fifth district, Chisago, Pine and Isanti counties; Twenty-sixth district, Buchanan, Carlton, St. Louis, Lake and Itasca counties.

SEC. 11. The counties of Brown, Stearns, Todd, Cass, Pembina and Renville, as applied to the preceding section, shall not be deemed to include any territory west of the state line, but shall be deemed to include all counties and parts of counties east of said line as were created out of the territory of either, at the last session of the legislature.

SEC. 12. The senators and representatives at the first election shall be apportioned among the several senatorial and representative districts as follows, to wit:

1st district.....	2	Senators.....	3	Representatives.
2d "	3	"	6	"
3d "	2	"	5	"
4th "	2	"	4	"
5th "	2	"	3	"
6th "	1	"	4	"
7th "	1	"	3	"
8th "	2	"	4	"
9th "	2	"	6	"
10th "	2	"	3	"
11th "	2	"	4	"
12th "	1	"	3	"
13th "	2	"	3	"
14th "	1	"	3	"
15th "	1	"	4	"
16th "	1	"	3	"
17th "	1	"	3	"
18th "	1	"	3	"
19th "	1	"	3	"
20th "	1	"	3	"
21st "	1	"	1	"
22d "	1	"	1	"
23d "	1	"	2	"
24th "	1	"	1	"
25th "	1	"	1	"
26th "	1	"	1	"
<hr/>		<hr/>		
37		80		

SEC. 13. The returns from the Twenty-second district shall be made to and canvassed by the judges of election at the precinct of Otter Tail City.

SEC. 14. Until the legislature shall otherwise provide, the state shall be divided into judicial districts as follows, viz:

The counties of Hennepin, Carver, Wright, Meeker, Sherburne, Pine, Buchanan, Carlton, St. Louis and Lake shall constitute the First judicial district.

The county of Ramsey shall constitute the Second judicial district.

The counties of Houston, Winona, Fillmore, Olmsted and Wabasha shall constitute the Third judicial district.

The counties of Hennepin, Carver, Wright, Meeker, Sherburne, Benton, Stearns, Morrison, Crow Wing, Mille Lacs, Itasca, Pembina, Todd and Cass shall constitute the Fourth judicial district.

The counties of Dakota, Goodhue, Scott, Rice, Steele, Waseca, Dodge, Mower and Freeborn shall constitute the Fifth judicial district.

The counties of Le Sueur, Sibley, Nicollet, Blue Earth, Faribault, McLeod, Renville, Brown, and all other counties in the state not included within the other districts, shall constitute the Sixth judicial district.

SEC. 15. Each of the foregoing enumerated judicial districts may, at the first election, elect one prosecuting attorney for the district.

SEC. 16. Upon the second Tuesday, the thirteenth day of October, 1857, an election shall be held for members of the House of Representatives of the United States, governor, lieutenant governor, supreme and district judges, members of the legislature, and all other officers designated in this Constitution, and also for the submission of this Constitution to the people, for their adoption or rejection.

SEC. 17. Upon the day so designated as aforesaid every free white male inhabitant over the age of twenty-one years, who shall have resided within the limits of the state for ten days previous to the day of said election, may vote for all officers to be elected under this Constitution at such election, and also for or against the adoption of the Constitution.

SEC. 18. In voting for or against the adoption of this Constitution, the words, "For Constitution," or "Against Constitution," may be written or printed on the ticket of each voter, but no voter shall vote for or against this Constitution, on a separate ballot from that cast by him for officers to be elected at said election under this Constitution; and if upon the canvass of the vote so polled it shall appear that there was a greater number of votes polled for than against said Constitution, then this Constitution shall be deemed to be adopted as the Constitution of the state of Minnesota, and all the provisions and obligations of this Constitution, and of the schedule thereunto attached, shall

thereafter be valid to all intents and purposes as the Constitution of said state.

SEC. 19. At said election the polls shall be opened, the election held, returns made, and certificates issued, in all respects as provided by law for opening, closing and conducting elections and making returns of the same, except as hereinbefore specified, and excepting also that polls may be opened and elections held at any point or points in any of the counties where precincts may be established as provided by law, ten days previous to the day of election, not less than ten miles from the place of voting in any established precinct.

SEC. 20. It shall be the duty of the judges and clerks of election, in addition to the returns required by law for each precinct, to forward to the secretary of the territory, by mail, immediately after the close of the election, a certified copy of the poll book containing the name of each person who has voted in the precinct and the number of votes polled for and against the adoption of this Constitution.

SEC. 21. The returns of said election for and against this Constitution, and for all state officers and members of the House of Representatives of the United States, shall be made, and certificates issued in the manner now prescribed by law for returning votes given for delegates to Congress; and the returns for all district officers, judicial, legislative or otherwise, shall be made to the register of deeds of the senior county in each district, in the manner prescribed by law, except as otherwise provided. The returns for all officers elected at large shall be canvassed by the governor of the Territory, assisted by Joseph R. Brown and Thomas J. Galbraith, at the time designated by law for canvassing the vote for delegates to Congress.

SEC. 22. If, upon canvassing the votes for and against the adoption of this Constitution, it shall appear that there has been polled a greater number of votes against than for it, then no certificate of election shall be issued for any state or district officer provided for in this Constitution, and no state organization shall have validity within the limits of the territory, until otherwise provided for and until a Constitution for a state government shall have been adopted by the people.

APPENDIX.

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A. GOVERNORS OF MINNESOTA.

TERRITORIAL.

Alexander Ramsey	1849-1853
Willis A. Gorman	1853-1857
Samuel Medary	1857-1858

STATE.

Henry H. Sibley	1858-1860
Alexander Ramsey	1860-1864
Stephen Miller	1864-1866
William R. Marshall	1866-1870
Horace Austin	1870-1874
Cushman K. Davis	1874-1876
John S. Pillsbury	1876-1882
Lucius F. Hubbard	1882-1887
Andrew R. McGill	1887-1889
William R. Merriam	1889-1892
Knute Nelson	1892-1895
David M. Clough	1895-1899
John Lind	1899-1901
Samuel R. Van Sant	1901-1905
John A. Johnson	1905—

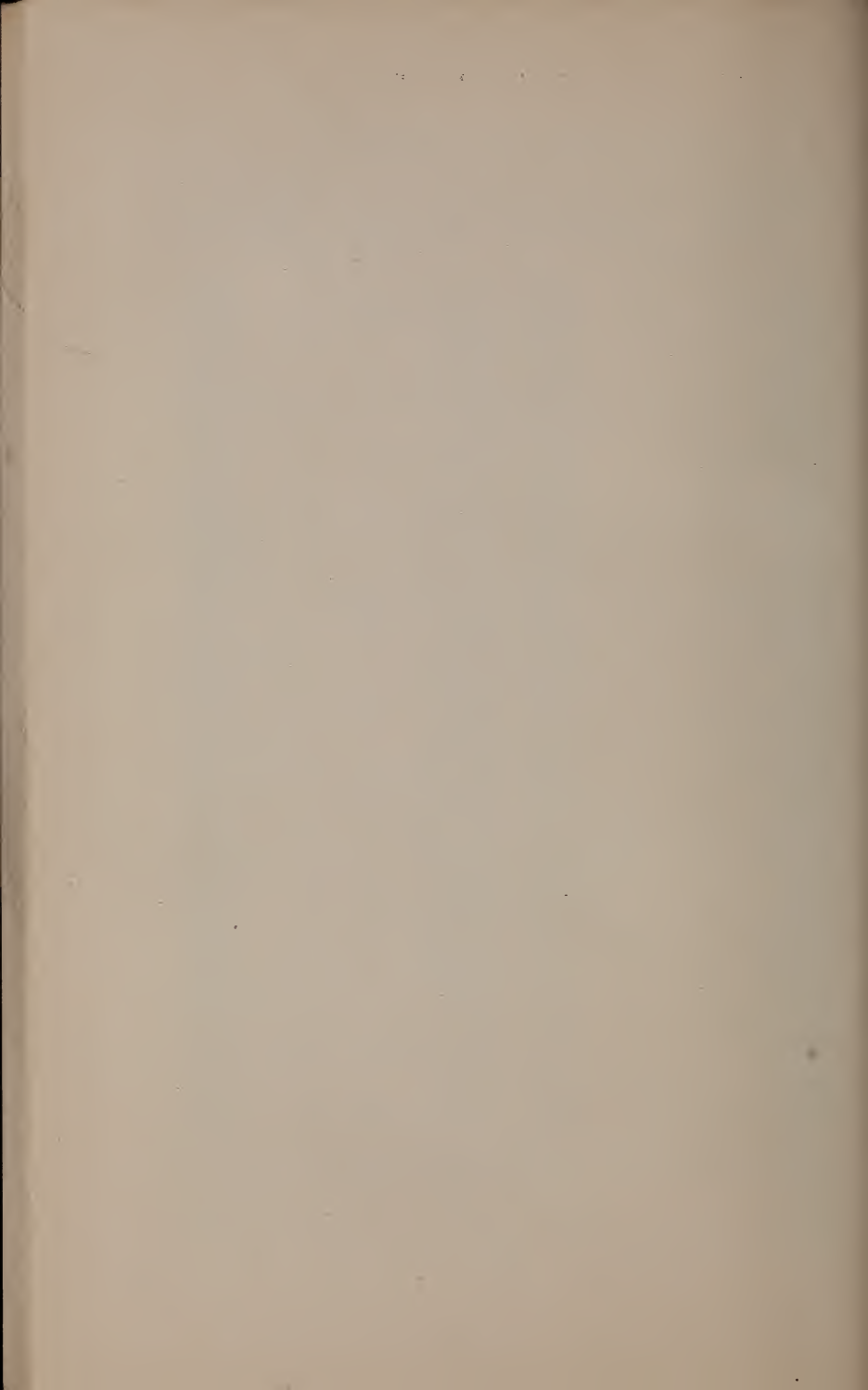
OFFICERS	Number	Created by Constitution	Created by Statute	Elected	Appointed	Term in years	REMOVAL	VACANCY HOW FILLED	
Senators	63	x		x		4	Two-thirds Senate	New Election	\$5.00 per day and mileage
Representatives	119	x		x		2	Two-thirds House	New Election	\$5.00 per day and mileage
Governor	1	x		x		2	Impeached by two-thirds of House; convicted by two-thirds Senate.	By Lieutenant Governor	Speaker \$10.00 per day
Lieutenant Governor...	1	x		x		2		By President pro tem.	\$5,000 per year
State Auditor	1	x		x		2		New Election	\$10.00 per day during legisla- ture
State Treasurer	1	x		x		2		New Election	\$2,000 per year and an addi- tional \$1,600 as Land Com- missioner
Secretary of State	1	x		x		2		New Election	\$3,500 per year
Attorney General	1	x		x		2		New Election	\$3,500 per year
Justices, Supreme Court.	5	x		x		6		New Election	\$3,500 per year
Judges, District Courts...	35	x		x		6		New Election	\$5,000 each per year
Clerk of Supreme Court.	1	x		x		4		New Election	\$3,500 each per year and fees
Railroad Commissioners.	3		x	x		4		New Election	\$1,500 per year and fees
Superintendent of Public Instruction	1		x		x	2	By Governor	Appointment by Governor	\$3,000 each per year \$3,000 per year

¹ Terms begin first Monday in January following election.

C. COUNTIES AND COUNTY SEATS.

COUNTY	POPULATION	COUNTY SEAT	POPULATION
Aitkin	9,537	Aitkin	1,896
Anoka	12,113	Anoka	4,053
Becker	18,490	Detroit	2,149
Benton	11,256	Foley	428
Beltrami	14,312	Bemidji	3,800
Big Stone	9,474	Ortonville	1,612
Blue Earth	31,228	Mankato	10,996
Brown	20,523	New Ulm	5,720
Carlton	15,287	Carlton	612
Carver	17,713	Chaska	2,085
Cass	11,012	Walker	652
Chippewa	13,356	Montevideo	2,595
Chisago	14,341	Center City	237
Clay	19,457	Moorhead	4,794
Clearwater	6,239	Bagley	602
Cook	1,462	Grand Marias	248
Cottonwood	12,576	Windom	1,884
Crow Wing	16,731	Brainerd	8,133
Dakota	23,471	Hastings	3,810
Dodge	12,757	Mantorville	706
Douglas	18,780	Alexandria	3,051
Faribault	20,448	Blue Earth	2,364
Fillmore	27,216	Preston	1,320
Freeborn	22,435	Albert Lea	5,657
Goodhue	31,628	Red Wing	8,149
Grant	9,652	Elbow Lake	856
Hennepin	292,806	Minneapolis	61,974
Houston	15,092	Caledonia	1,405
Hubbard	9,008	Park Rapids	1,719
Isanti	12,941	Cambridge	1,273
Itaska	11,529	Grand Rapids	2,055
Jackson	14,838	Jackson	1,776
Kanabec	6,194	Mora	805
Kandiyohi	19,613	Willmar	4,040
Kittson	9,878	Hallock	1,014
Lac Qui Parle	15,182	Madison	1,604
Lake	6,273	Two Harbors	4,402
Le Sueur	20,275	Le Sueur Center	698
Lincoln	9,988	Ivanhoe	451
Lyon	16,171	Marshall	2,243
McLeod	19,315	Glencoe	1,805
Marshall	17,737	Warren	1,640
Martin	17,587	Fairmont	2,955
Meeker	17,953	Litchfield	2,415

COUNTY	POPULATION	COUNTY SEAT	POPULATION
Mille Lacs.....	9,876	Princeton	1,704
Morrison	24,584	Little Falls.....	5,856
Mower	22,346	Austin	6,489
Murray	11,715	Slayton	839
Nicollet	14,944	St. Peter.....	4,514
Nobles	15,056	Worthington	2,276
Norman	18,176	Ada	1,515
Olmstead	22,409	Rochester	7,233
Otter Tail.....	48,229	Fergus Falls.....	6,692
Pine	14,869	Pine City.....	1,092
Pipestone	9,662	Pipestone	2,885
Polk	37,212	Crookston	6,794
Pope	13,364	Glenwood	1,718
Ramsey	206,330	St. Paul	197,023
Red Lake.....	15,955	Red Lake Falls...	1,797
Redwood	19,034	Redwood Falls...	1,806
Renville	24,032	Olivia	1,019
Rice	26,247	Faribault	8,279
Rock	9,729	Luverne	2,272
Roseau	11,191	Roseau	486
St. Louis.....	117,513	Duluth	64,942
Scott	15,094	Shakopee	2,069
Sherburne	7,961	Elk River.....	787
Sibley	16,354	Henderson	820
Stearns	47,120	St. Cloud.....	7,661
Steele	16,593	Owatonna	5,651
Stevens	9,215	Morris	2,003
Swift	13,575	Benson	1,766
Todd.....	24,638	Long Prairie....	1,256
Traverse	7,985	Wheaton	1,346
Wabasha	18,710	Wabasha	2,619
Wadena	9,317	Wadena	1,868
Waseca	13,633	Waseca	2,838
Washington	28,884	Stillwater	12,435
Watonwan	11,494	St. James.....	2,320
Wilkin	9,279	Breckenridge	1,850
Winona	35,836	Winona	20,334
Wright	29,467	Buffalo	1,124
Yellow Medicine..	15,899	Granite Falls....	1,041
Indians not included	2,511	Total	1,979,912



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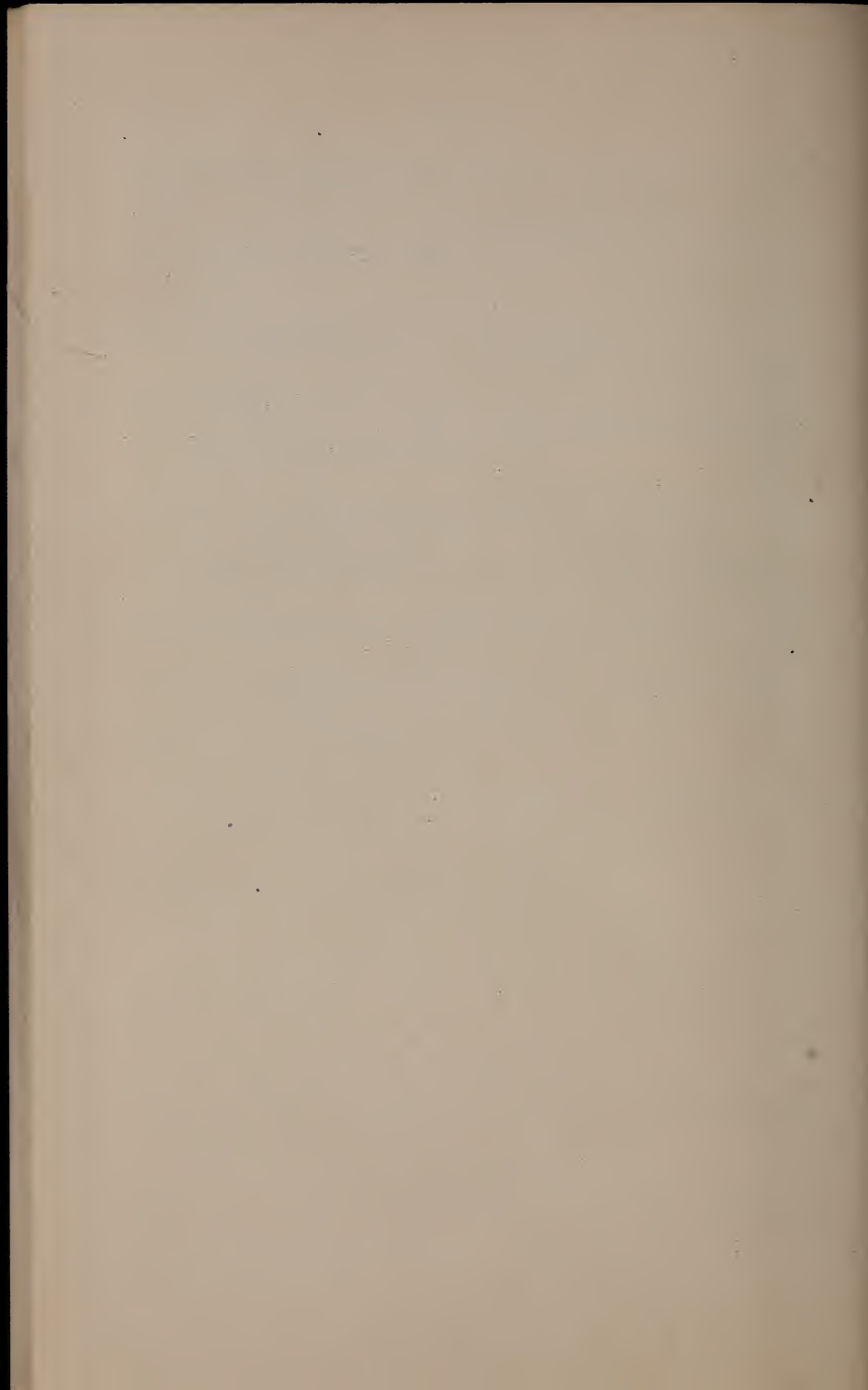
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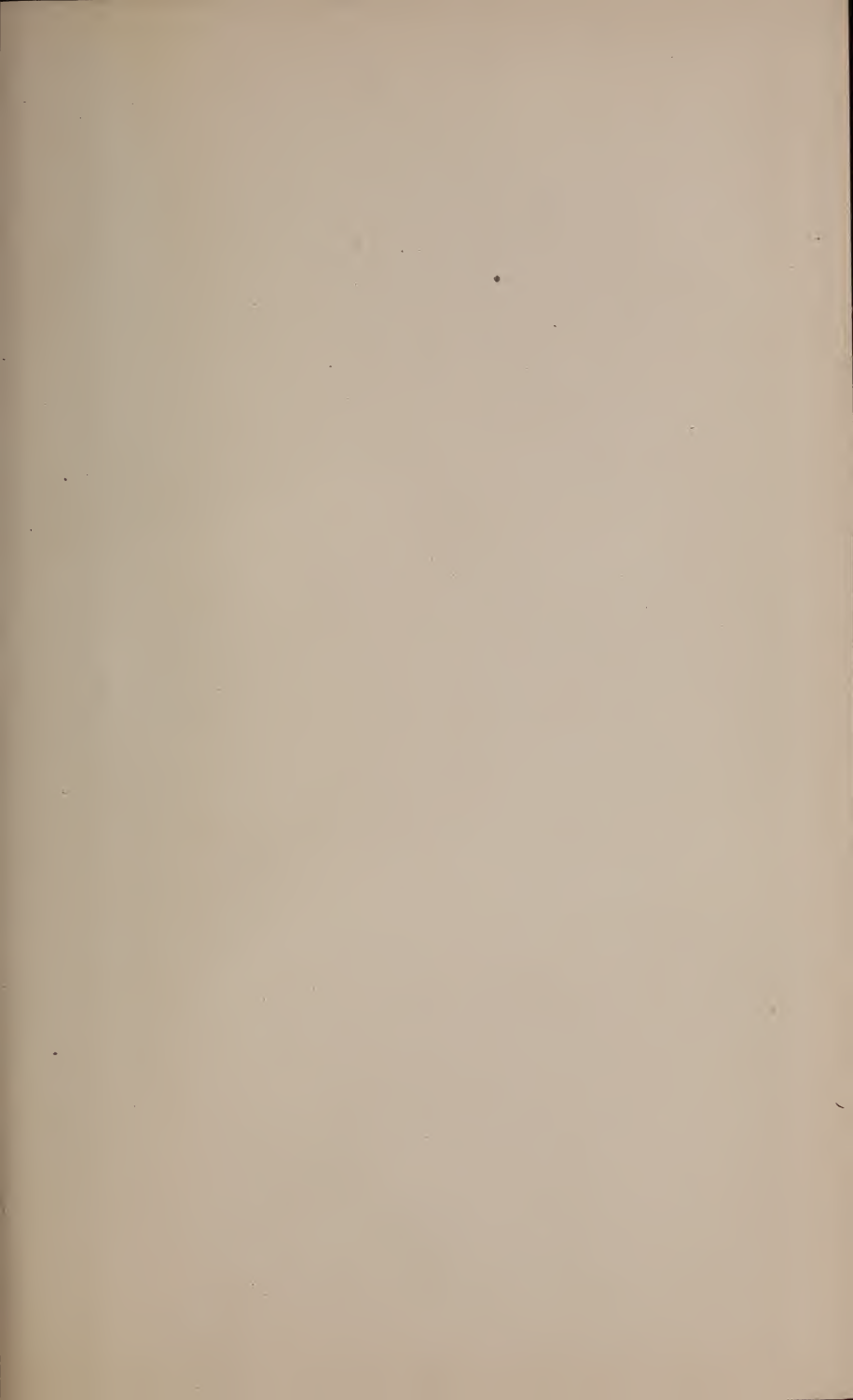
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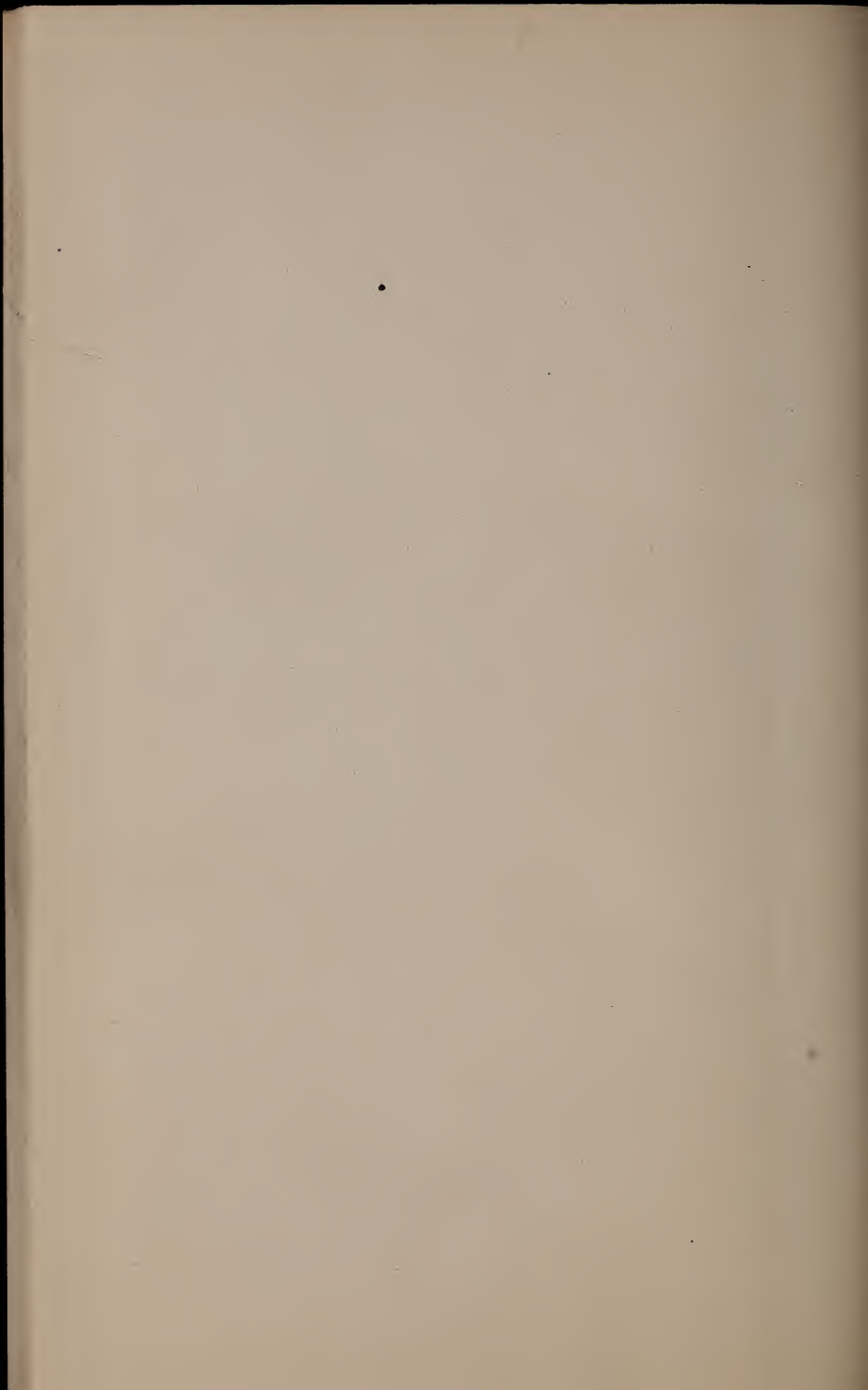
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